

M. L. Pitcher

# LAWS

OF THE

## *Territory of Utah,*

PASSED AT THE

**Twenty-ninth Session of the Legislative Assembly,**

HELD AT

*The City of Salt Lake, the Capital of said Territory,  
Commencing January 13, A. D. 1890, and  
Ending March 13, A. D. 1890.*

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PUBLISHED BY AUTHORITY.

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SALT LAKE CITY:  
THE DESERET NEWS COMPANY.

1890.



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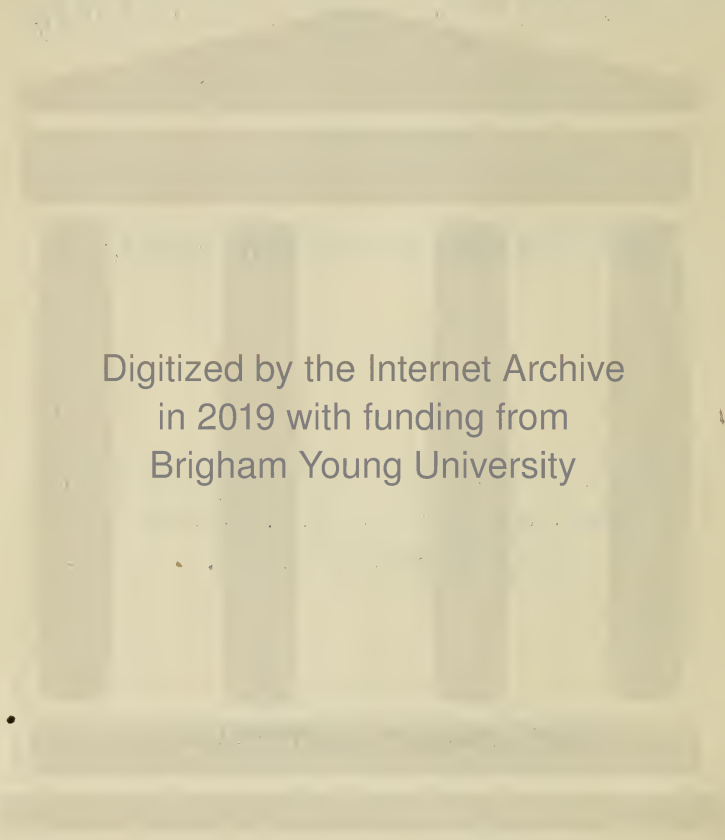
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# FEDERAL OFFICERS OF UTAH TERRITORY.

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GOVERNOR:

ARTHUR L. THOMAS.

SECRETARY:

ELIJAH SELLS.

JUDGES OF THE SUPREME COURT:

*Chief Justice:*

CHARLES S. ZANE.

*Associate Justices:*

T. J. ANDERSON,

H. P. HENDERSON,

J. W. BLACKBURN.

UNITED STATES MARSHAL:

E. H. PARSONS.

UNITED STATES ATTORNEY:

C. S. VARIAN.

ASSISTANT UNITED STATES ATTORNEY:

E. B. CRITCHLOW.

SURVEYOR GENERAL:

E. DAGGETT.

REGISTER OF THE LAND OFFICE:

F. D. HOBBS.

RECEIVER OF PUBLIC MONEYS:

HOYT SHERMAN, JR.

UNITED STATES DEPUTY REVENUE COLLECTOR:

T. C. BAILEY.

# AMENDMENTS TO THE COMPILED LAWS OF 1888.

*The following sections of the Compiled Laws of 1888 were amended  
at the twenty-ninth session of the Utah Legislature:*

## VOLUME I.

Sec. 10	Sec. 1906	Sec. 2084	Sec. 2200	Sec. 2212	Sec. 2223
76	1907	2092	2202	2213	2224
145	1908	2114	2203	2214	2225
184	1941	2115	2204	2215	2226
1824	2008	2116	2205	2216	2227
1825	2012	2119	2206	2217	2228
1826	2013	2160	2207	2218	2229
1828	2023	2169	2208	2219	2230
1835	2027	2170	2209	2220	2231
1892	2030	2198	2210	2221	2232
1902	2043	2199	2211	2222	2236
1903					

## VOLUME II.

Sec. 2268	Sec. 2360	Sec. 2825	Sec. 3303	Sec. 3790	Sec. 4469
2272	2411	2955	3304	3806	4622
2273	2531	2956	3388	3820	4631
2277	2532	2957	3529	4165	4643
2320	2533	3200	3750	4455	4677
2323	2591	3301	3754	4457	5274
2349	2805	3302	3788		

*All laws in conflict or inconsistent with the following acts are  
repealed:*

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An act to secure liens to mechanics and others. . . . .	32
An act to provide for the assessing and collecting of taxes on transient stock . . . . .	65
All laws providing for precinct poundkeepers and prescribing their duties	85
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An act for the protection of game and birds . . . . .	92
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LAWS  
OF THE  
Territory of Utah,

PASSED AT THE  
TWENTY-NINTH SESSION OF THE  
LEGISLATIVE ASSEMBLY.

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CHAPTER I.

CONTINGENT EXPENSES.

AN ACT to provide for the payment of the contingent expenses of the Twenty-ninth Session of the Legislative Assembly of the Territory of Utah.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the sum of twelve hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of the funds of the territorial treasury, for the purpose of defraying the contingent expenses of the twenty-ninth session of the Legislative Assembly; and the auditor of public accounts shall draw his warrant on the treasurer for such money, or any portion thereof, upon the request in writing of the President of the Council and Speaker of the House of Representatives.

Sec. 2. This act shall take effect from and after its approval.

Approved January 29, 1890.

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CHAPTER II.

DEFECTIVE TITLES.

AN ACT to validate and make admissible in evidence certain deeds, conveyances, mortgages, powers of attorney, and other instruments affecting title to real estate heretofore recorded in or upon the records of the office of the county recorders of the several counties of this Territory, wherein the same are defectively executed, attested, acknowledged, certified recorded, or certified of record, except as against subsequent purchasers incumbrancers and assignees.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all deeds, conveyances,

Defects in titles.

Records may be  
used as evidence.Not to affect title  
heretofore acquired.

mortgages, powers of attorney and all other instruments in writing affecting the title to real estate, and now copied into the books of record of the office of the county recorders of these several counties of this Territory, shall, after the approval of this act, impart to subsequent purchasers and incumbrancers, and all other persons, notice of all such deeds, conveyances, mortgages powers of attorney and other instruments in writing, so far and to the extent that they are of record as aforesaid, notwithstanding any defect, omission or informality existing in the execution, attestation, acknowledgment certificate of acknowledgment, recording or certificate of recording the same, and all such deeds, conveyances mortgages, powers of attorney and other instruments, and the records or authenticated copies of the records thereof, shall be admissible in evidence, notwithstanding such defects or omissions; *Provided*, that nothing in this act shall be construed to affect any right or title heretofore acquired by subsequent purchasers, grantees, or assignees.

Sec. 2. This act shall be in force from and after its approval by the Governor.

Approved February 3, 1890.

### CHAPTER III.

#### REFORM SCHOOL.

AN ACT amending Section 1906 of the Compiled Laws of Utah of 1888.

Expenses how paid.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1906, of the Compiled Laws of Utah, of 1888, be, and the same is hereby amended by adding to said section, at the end thereof, the following: And all such expenses when properly certified by the superintendent of the Reform School, shall be paid by the officer who at the time shall be charged by law with the payment of witnesses and jurors on the part of the Territory, out of the fund appropriated for the payment of such witnesses and jurors.

Approved February 5, 1890.

### CHAPTER IV.

#### CHATTEL MORTGAGES.

AN ACT to amend Section 2805, Compiled Laws of Utah, 1888, relating to Chattel Mortgages.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2805 of the



Compiled Laws of Utah 1888, be and the same is hereby amended by striking out the words "one year" at the end of said section and inserting in lieu thereof the words "fifteen months." Valid fifteen months against creditors.

Approved February 8, 1890.

## CHAPTER V.

### HIGHWAYS.

AN ACT to amend Section 2084 of the Compiled Laws of Utah of 1888, relating to Highways.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2084 of the Compiled Laws of Utah of 1888, be and the same is hereby amended so as to read as follows:

Sec. 2084. s. 20. Any person who wilfully or carelessly obstructs or injures any public or other highway by causing or permitting flow or seepage of water, or who wilfully or carelessly permits water under his control to escape in any manner, so as to injure any public or other highway, or any person who shall wilfully or carelessly place or leave, or caused to be placed or left, any log, timber, stone, wood or other material, or any machinery, wagon, or other vehicle upon any public or other highway, in such a way as to obstruct the travel, or to endanger property or persons passing upon such highway, is guilty of a misdemeanor. Obstructing roads to be punished as misdemeanor.

Approved February 8, 1890.

## CHAPTER VI.

### RAILROAD CORPORATIONS.

AN ACT amending Sections 2320, and 2323 of the Compiled Laws of Utah, of 1888 relating to railroad corporations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2320 of the Compiled Laws of Utah of 1888, is hereby repealed, and the following substituted therefor, namely:

Sec. 2320. s. 6. The directors named in said articles of associations, shall meet and organize as a board within twenty days after having received notice of their election, given by the treasurer named and designated in the second section of this act, and at the first meeting of the board, after each election of directors, they shall elect from among their number a president and a vice-president, and from the stockholders a Directors shall meet and organize within twenty days.

Term of office of  
Directors.

secretary and treasurer, who may hold office during the pleasure of the board or until their successors have been elected and qualified; any officer or director may resign by filing with the president or secretary a written resignation; and any vacancy caused by removal, resignation or death shall be filled by the board of directors by election from among their own number, or from the stockholders; the secretary and treasurer before entering upon their duties, shall each give a bond with such security as may be prescribed by the board of directors, which shall be filed with the auditor of public accounts. The temporary treasurer required by the second section of this act, shall pay over all moneys received by him as such treasurer to the treasurer elected by the board of directors, as soon as the latter has qualified.

Retiring treasurer  
shall pay over  
money.

Sec. 2. That section 2323 of the Compiled Laws of Utah of 1888, is hereby amended by striking out of line four of said Section 2323, the word "thirty" and substituting in lieu thereof the word "twenty."

Notice reduced to  
twenty days

Approved February 14, 1890.

## CHAPTER VII.

### TRIAL BY REFEREE.

AN ACT amending Section 3388, of the Compiled Laws of Utah of 1888 relating to Trial by Referee.

Trial by referee by  
giving fifteen days'  
notice to the other  
party.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3388, of the Compiled Laws of Utah of 1888, is hereby amended by adding thereto at the end thereof the following: Any action, proceeding or matter referred, may be brought on for trial, or hearing before the referee by either party on fifteen days' notice to the other party, and to the referee, of the time, and place of trial or hearing; subject to such postponements and continuances as might be obtained were the trial before the court or jury.

Sec. 2. This act shall take effect from its approval.

Approved February 20, 1890.

## CHAPTER VIII.

### PROBATE PROCEDURE.

AN ACT amending Section 4165 of the Compiled Laws of Utah of 1888 relating to Probate Procedure.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 4165 of the

Compiled Laws of Utah of 1888, is hereby amended by adding the following: *Provided*, no order of sale granted in pursuance of this chapter shall continue in force more than one year after granting the same, unless a sale has been made thereunder. Duration of order of sale.

Sec. 2. This act shall take effect upon its approval.

Approved March 1, 1890.

## CHAPTER IX.

### JUSTICES' COURTS.

AN ACT amending Section 3790 of the Compiled Laws of Utah of 1888, relating to the trial of actions in Justices' Courts for forcible entry, forcible detainer and unlawful detainer.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3790, of the Compiled Laws of Utah of 1888, be, and the same is hereby amended, by adding to the said section, at the end thereof the following: *And provided, further*, that whenever for any cause, there is no justice's court within the precinct in which such property, or some part thereof is situated, an action may be brought in any justice's court of an adjoining precinct in the same county, if there be a justice's court in such adjoining precinct, and if not, then in any justice's court within the county in which such precinct is situated. Providing for absence of justices' courts.

Sec. 2. This act shall take effect upon its approval.

Approved March 3, 1890.

## CHAPTER X.

### TOWNSITES.

AN ACT to amend Section 2825 Compiled Laws of Utah 1888, pertaining to rules and regulations under the Townsite Act.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2825, Compiled Laws of Utah 1888, be and the same is hereby amended by adding to said section at the end thereof the following: Said money shall be drawn for the purposes, before specified, when ordered by the city council or county court as the case may be, in the same manner as other moneys are drawn from said treasuries. Manner of drawing money.

Approved March 3, 1890.

## CHAPTER XI.

## BRANDING AND HERDING CATTLE.

AN ACT amending Section 2202 and repealing Sections 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213 and 2214, of the Compiled Laws of Utah of 1888, "Relating to branding and herding cattle" and substituting in lieu of the sections repealed, new sections to be numbered 2203, 2204, 2205, 2206, 2207, 2208, 2209 and 2210.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2202 of the Compiled Laws of Utah of 1888, be and the same is hereby amended by striking out the words "numbering twenty head or more" in the second and third lines of said section.

Sections repealed. Sec. 2. Sections, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213 and 2214, of the Compiled Laws of Utah of 1888 are hereby repealed and the following sections to be numbered 2203, 2204, 2205, 2206, 2207, 2208, 2209 and 2210 are hereby enacted in lieu thereof.

Penalties for unlawfully driving stock from its range. Sec. 2203. Every person who shall unlawfully or willfully drive any stock from its range in this Territory without the consent of the owner thereof, and shall not within twenty-four hours thereafter, return such stock to the place from whence driven, shall be guilty of a misdemeanor.

Hides of slaughtered animals to be exposed. Sec. 2204. All persons who occasionally slaughter for beef, either for home consumption or other purposes, except licensed butchers, shall preserve and expose in a conspicuous place, the hide of each animal for twenty days next after the killing of such animal.

Removal of hide or pelt from carcasses. Sec. 2205. It shall be unlawful for any person other than the owner or his agent or employe or other person duly authorized, to remove from the carcass the skin, hide or pelt of any neat cattle or sheep found dead.

County courts may appoint detectives. Sec. 2206. The county court of any county when such court deems it necessary for the public welfare, may appoint one or more detectives to discover and detect violations of the stock laws within any such county, and such detectives shall be paid from the county treasury such compensation as may be fixed by the county court. The county courts of the several counties of this Territory may offer and pay from the county Treasury, rewards for the detection of persons violating the provisions of this act.

Rewards. Sec. 2207. Any person who shall drive or bring neat cattle, horses, asses, mules, sheep or swine to or through this Territory, shall be deemed a drover, and any such drover who shall fail or neglect to carefully examine his herd, after driving them over any portion of this Territory, and separate and drive away from his herd all cattle, horses, asses, mules, sheep

When deemed a drover.

Herds to be examined and separated.



or swine, not branded with his brand, or to the possession of which he may not be entitled, shall be guilty of a misdemeanor. Penalty.

Sec. 2208. Any person who shall knowingly brand or misbrand, mark or mismark any neat cattle, horses, asses, mules, sheep or swine, not his own, or who shall intentionally brand over a previous brand, or in any manner deface or obliterate a previous brand, or shall cut out or obliterate a previous mark, on any neat cattle horse, sheep, goat, ass or mule not his own, shall be guilty of a felony. Penalty for changing or defacing brands or marks.

Sec. 2209. It shall be unlawful for any person to load, during the night time, any neat cattle, horses, sheep or swine, in any railway car in this Territory for the purpose of shipment over any railway, and it shall be unlawful for any superintendent, agent or employe of any railway company, to furnish any railway car, for the purpose of loading any cattle, horses, sheep or swine in the night time for shipment over any railway in this Territory. Shipment of stock.

Sec. 2210. Any person who shall wilfully do any act prohibited or declared unlawful by this act, or who shall wilfully neglect or refuse to do any act herein required, for which punishment is not in this act prescribed, shall be guilty of a misdemeanor. Penalties.

Approved March 3, 1890.

## CHAPTER XII.

### BUILDING AND LOAN ASSOCIATIONS.

AN ACT to enable Associations of persons to become a body corporate to raise funds to be loaned only among the members of such Association.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That whenever any number of persons not less than five, residents of the Territory, may desire to become incorporated as a mutual building, loan and homestead association, for the purpose of loaning money to the members thereof only, and for building and improving homesteads, they shall make a statement to that effect, under their hands and seal, duly acknowledged before some officer in the manner provided for the acknowledgment of deeds, such statement shall set forth the name of the proposed corporation, its capital stock, its location, and the duration of the corporation, which statement shall be filed in the office of the clerk of the probate court of the county in which the principal place of business of the corporation is located. The clerk of said court shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of said corporation at such time and place as they may Number persons required to incorporate.

Purposes.

What statement shall set forth.

Clerk to issue license.

determine, but no license shall be issued to two associations having the same name.

Organization.

Sec. 2. As soon as fifty shares or more of the capital stock shall be subscribed, the commissioners may convene a meeting of the subscribers for the purpose of electing directors, officers, adopting a charter and by-laws and the transaction of such other business as shall come before them. Notice shall be given by depositing in the post office, properly addressed to each subscriber, at least ten days before the time fixed a written or printed notice, stating the objects, time and place of such meeting. The number of directors and the number and kind of officers of corporations organized under this act, with their respective qualifications and term of office and the time and manner of their election, removal and resignation shall be as agreed or stated in the charter and by-laws.

Commissioners' report.

Sec. 3. The commissioners shall make a full report of their proceedings including therein a copy of the notice provided for in the foregoing section; a copy of the subscription list, a copy of the charter and by-laws adopted by the association, and the names of the directors and officers elected, and their respective terms of office, which report shall be sworn to by at least a majority of the commissioners, and shall be filed and recorded in the office of the clerk of the said probate court, said clerk shall thereupon issue a certificate of the complete organization of the corporation, making a part thereof a copy of all papers filed in his office in and about the organization of the corporation, including a copy of the license issued as provided for in Section 1 of this act, and duly authenticated under his hand and seal of said court, which certificate and papers shall be filed in the office of the secretary of the Territory, who shall thereupon issue to said association a certificate of incorporation under the great seal of the Territory in the manner and form prescribed in Section 14 of this act which certificate of incorporation shall be evidence of the due incorporation of the association. Upon the issuance of such certificate of incorporation, the corporation shall be deemed fully organized and may proceed to business, and unless such company shall be organized and proceed to business as provided in this act within two years after the date of such license, the license and all proceedings thereunder shall be void.

Secretary of the Territory to issue certificates.

When license is void.

Period of existence.

Powers.

Seal.

Sec. 4. Corporations formed under this act shall be bodies corporate for the period of not less than ten, nor more than fifty years, may sue and be sued; may have a common seal which they may alter or renew at pleasure.

Election of directors

Sec. 5. The corporate powers shall be exercised by a board of directors elected by and from the stockholders at their annual meeting who shall qualify as required by Section 2270 of the Compiled Laws of Utah 1888. *Provided*, the number of directors shall not be increased or diminished, nor the term of office changed, without the consent of

the owners of two-thirds of the shares of stock. The officers of the company shall consist of a president, a vice-president, a treasurer, and a secretary, who shall be elected by the stockholders at such annual meeting from the members of such board and as provided in the charter or by-laws of the association. *Provided; further* that the secretary only shall be entitled to such compensation as may be determined by the board of directors, and *provided, further* that the treasurer and secretary shall give bonds, with at least two sufficient sureties to be approved by the board of directors, which shall be filed with the clerk of said court.

Sec. 6. The shares of stock shall be one hundred dollars each, and shall be deemed personal property transferable upon the books of the company in such manner as may be provided by the by-laws, and subscriptions therefor shall be made payable to the corporation and shall be payable in such periodical instalments, and at such time or times as shall be determined by the charter and by-laws; but no periodical payment to be made exceeding two dollars on each share; and every share of stock shall be subject to a lien for the payment of unpaid instalments and other charges incurred thereon under the provisions of the charter and by-laws and the by-laws may prescribe the form and manner of enforcing such lien. New shares of stock may be issued in lieu of shares withdrawn or forfeited and the stock may be issued in one or in several successive series as may be provided in the charter and by-laws, and in such amount (not to exceed the total capital stock) as the board of directors may determine, and any stockholder wishing to withdraw from the said corporation, shall have power to do so by giving thirty day's notice of his intention to withdraw, when he shall be entitled to receive the amount paid in by him, and such interest thereon or such proportion of the profits thereon as the by-laws may determine, less all fines and other charges: *Provided;* that at no time shall more than one-half of the funds of the treasury of the corporation be applicable to the demands of withdrawing stockholders without the consent of the board of directors, and that no stockholder shall be entitled to withdraw whose stock is held by the association in pledge for security. Upon the death of a stockholder, his legal representative shall be entitled to receive the full amount paid in by him on all shares not borrowed upon or pledged to the association as collateral security and legal interest thereon, first deducting all charges that may be due on the stock; but no fines shall be charged to a deceased member's account from and after his decease unless the legal representative's of such decedent assume the future payment of the dues on the stock.

Sec. 7. Married women may become subscribers to the capital stock of such association, and hold, control and trans-

Officers.

How elected.

Compensation.

Bonds.

Value of shares.

Transfers.

Manner of payment.

Liens.

Series.

Withdrawals.

Limitation of withdrawals.

In case of death.

Married women.



Exempt from debt of husbands. Minors. Guardian's bonds. fer their stock in all respects as femme-sole, and their stock shall not be subject to the control of, or liable for the debts of their husbands. Minors may become subscribers to and owners of the stock of such associations by guardian or trustee, and such guardian or trustee may withdraw the stock of such minor as provided in Section 6, of this act. *Provided*: however that such guardian or trustee shall give bonds to the probate court in double the amount of the withdrawal value of such stock for the use of such minor.

Directors' meetings. Manner of loaning money. Securities. Sec. 8. The board of directors shall hold such stated meetings at least once a month as may be provided by the by-laws at which the money in the treasury, if one hundred dollars or more, shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan and comply with the provisions of the by-laws, respecting the awarding of loans, shall be entitled to receive a loan of one hundred dollars, less the premium bid, for each share of stock held by said stockholder. *Provided*: that no loan shall be made by said corporation except to its own members, nor in any sum in excess of the amount of stock held by such members borrowing; and *provided* that such stockholder may borrow such fractional part of one hundred dollars as the by-laws may provide. Good and ample real estate security, unincumbered except by prior loans of such association's shall be given by borrower, to secure the repayment of the loan. *Provided*: however that the stock of such association may be received as security to the amount of withdrawal value of such stock.

Failure to furnish security. Manner of enforcing delinquent payments. Sec. 9. In case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors by such time as the by-laws may prescribe, he shall be charged with one month's interest together with any expenses incurred, and the money may be resold at the next stated meeting. In case of non-payment of instalments interest or fines by borrowing stockholders for the space of six months, payment of principal and interest and fines without deducting the premium paid or the interest thereon, may be enforced by proceedings against their securities according to law, upon the order of the board of directors.

Repayment of loans. Sec. 10. A borrower may repay a loan at any time upon duly complying with the charter and by-laws in relation to repayment of loans.

Collections. Sec. 11. Corporations organized under this act being of the nature of co-operative associations, therefore no premium, fines, nor interest, on such premiums that may accrue to the said corporation according to the provisions of this act, shall be deemed usurious and the same may be collected as other debts of like amount are collected by law, in this Territory.

Sec. 12. No corporation or association created under this act shall cease or expire from neglect on the part of the cor-



poration to elect officers at the time mentioned in their charter and by-laws and all officers elected by such corporations shall hold their offices until their successors are duly elected and qualified. Failure to elect officers.

Sec. 13. Any loan or building association incorporated by or under this act is hereby authorized and empowered to purchase at any marshal's, sheriff's or judicial sale, or at any other sale public or private any real estate upon which such association may have or hold any mortgage, lien or other incumbrance and to sell, convey, lease or mortgage at pleasure to any person or persons whatever the real estate so purchased, but such association shall not have power to enter into as a business the buying and selling of real estate. May purchase real estate in certain cases.

Sec. 14. The certificate of incorporation shall be substantially in the following form:

#### CERTIFICATE OF INCORPORATION.

*The Secretary of the Territory of Utah;*

*To all to whom these presents shall come greeting:*

Whereas, a statement, duly signed and acknowledged, having been filed and recorded in the office of the clerk of the probate court of the county of \_\_\_\_\_ Territory of Utah, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_ for the organization of \_\_\_\_\_ building and loan association of \_\_\_\_\_ under and in accordance with the provisions of "An Act to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such associations approved the \_\_\_\_\_ day of \_\_\_\_\_ a certified copy of which has been filed in my office; and whereas, a license having been issued to \_\_\_\_\_ as commissioners to open books for subscription, to the capital stock of said company; and whereas; the said loan commissioners having on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_ filed in the office of the clerk of said court, a report of their proceedings under said license in accordance with the requirements of the statutes, a copy of which license and report has been also filed in my office. Now therefore I \_\_\_\_\_ secretary of the Territory of Utah, by virtue of the powers and duties vested in me by law, do hereby certify that the said \_\_\_\_\_ building and loan association of \_\_\_\_\_ is a legally constituted and organized corporation under the laws of this Territory. Form of certificate.

In testimony whereof, I hereunto subscribe my name affix the seal of said Territory. Done at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_

[GREAT SEAL.]

\_\_\_\_\_  
*Secretary of the Territory of Utah.*

Sec. 15. This act shall take effect from the date of its approval.

Approved March 5, 1890.

## CHAPTER XIII.

## PENAL CODE.

AN ACT amending Section 4643 of the Compiled Laws of Utah of 1888, relating to the Penal Code.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Subdivision 3, of Section 4643 of the Compiled Laws of Utah of 1888, is amended by inserting after the word "calf" and before the word mule, the word "sheep."

Approved March 5, 1890.

## CHAPTER XIV.

## IRRIGATION COMPANIES.

AN ACT amending Section 2411 of the Compiled Laws of Utah of 1888 relating to Irrigation Companies.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2411 of the Compiled Laws of Utah of 1888 is hereby amended to read as follows:

Sec. 2411, s. 9. All subsequent elections for determining the rate of tax, shall be held annually on the first Monday in December, and for the election of company officers, biennially, on the same day, at such time and place within the district as shall be designated by the trustees, at which time the number of trustees may be changed by a two-thirds vote, to not less than three nor more than thirteen. Notice of said election shall be given and the election conducted and certificates thereof returned as provided in Section 4 of this act, and the officers elected shall give bonds as provided in Section 7 of this act: *Provided*, that if such election is not held at the time herein provided for the same may be held at any time within sixty days thereafter as may be designated by the trustees upon notice given as provided in Section 4 of this act. The rate of tax determined at said election by a majority vote shall be a law in such irrigation district, and shall constitute a permanent lien on the interest of the taxpayer in said canal or ditch and his right to the use of the water therein flowing from the day of assessment; but no tax created under this act shall create a lien upon the land. If any taxpayer shall fail to pay his proportion of the tax voted at said election within the time required by the by-laws the trustees may pro-

Elections, when held.

Notice.

Taxes become a lien.

ceed to sell the interest of such taxpayer in said canal or ditch and his right to the use of the water therein flowing as provided in Sections 2380 to 2392 both inclusive of the Compiled Laws of Utah of 1888 for the sale of delinquent stock. Trustees authorized to sell.

Approved March 10, 1890.

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## CHAPTER XV.

### DIVISION FENCES.

AN ACT to amend Section 2236 of the Compiled Laws of Utah of 1888, relating to division fences.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2236 of the Compiled Laws of Utah of 1888 is hereby amended by adding thereto the following: In all cases where a person has enclosed his land with a fence, and the owner of adjoining land desires to enclose such adjoining land with a fence so that the first fence or any part thereof will be made a partition fence between such tracts of land, the owner of such adjoining land must before making such enclosure pay to the owner of such fence one half of the value of all that part of such fence as will become a partition fence between such adjoining tracts of land, and when one party ceases to improve or cultivate his land or opens his enclosure, he must not take away any part of the partition fence belonging to him if the owner or occupant of such adjoining enclosure shall within thirty days after notice pay therefor the value of said fence: nor shall such partition fence be removed, when by so doing the crops enclosed by such fence will be exposed to destruction. Enclosure.  
Pay to the owner.  
Shall not remove

Approved March 10, 1890.

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## CHAPTER XVI.

### CHANGING BOUNDARIES OF SANPETE AND SEVIER COUNTIES.

AN ACT attaching a part of Sevier County to Sanpete County.

SECTION. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that portion of Sevier county beginning at a point one mile north of the fourth standard parallel south on the section line between ranges five (5) and six (6) east, thence west to the east bank of the Sevier river, thence north along the east bank of said river to the southern boundry line of Sanpete county, thence east along said southern boundary line to the section line Boundaries.

between ranges five (5) and six (6) east, thence south to the place of beginning, is hereby made a part of Sanpete county.

Sec. 2. All laws in conflict with this law are hereby repealed.

Sec. 3. This act shall be in force on its approval.

Approved March 10, 1890.

## CHAPTER XVII.

### TERRITORIAL TREASURER.

AN ACT amending Section 10 of the Compiled Laws of Utah of 1888, relating to the Territorial Treasurer.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section ten (10) of the Compiled Laws of Utah, 1888, is amended to read as follows:

Duties

Sec. 10. The treasurer must receive and safely keep all funds belonging to the Territory and pay out the same only on warrants issued by the auditor of public accounts; he must keep an accurate account of all moneys and other funds received or disbursed by him; he must issue duplicate receipts keeping a memorandum stub for all money or other funds received by him, and deliver to the person paying the same the duplicate and present to and file with the auditor of public accounts the original receipt.

Sec. 2. This act shall take effect upon its approval.

Approved March 10, 1890.

## CHAPTER XVIII.

### CEMENT.

AN ACT to encourage the manufacture of Native or Portland Cements in Utah Territory.

Exemptions.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That to encourage the manufacture of native or Portland cements from raw material mined, excavated, or produced in Utah Territory, all lands, factories, buildings, implements and machinery of every kind whatsoever actually and in good faith employed either in the mining, excavating or producing of the raw material for or in the manufacture of native or Portland cements in said Territory, and the stock of any company incorporated for the purpose of, and actually and in good faith engaged in, the manufacture of native or Portland cements in this Territory, and the bonds and mortgages given to secure loans on the aforesaid property,



for the purpose of raising money to be used in carrying on such business, shall be exempt from taxation until the first day of January A. D. 1895.

Approved March 10, 1890.

## CHAPTER XIX.

### DESTRUCTION OF CERTAIN WILD ANIMALS.

AN ACT amending Sections 2114, 2115, and 2116 of the Compiled Laws of Utah 1888, relating to the destruction of certain wild animals and birds.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 2114, 2115, and 2116 of the Compiled Laws of Utah, 1888, are hereby amended to read as follows:

Sec. 2114. s. 1. The several county courts within the respective counties of this Territory, are hereby authorized and empowered by an order made of record upon the minutes of such county court, to offer and pay rewards for the destruction of wild animals and English sparrows, within their respective counties, not to exceed one dollar each on lynxes, grey wolves and wild cats, fifty cents on coyotes and foxes, ten dollars on mountain lions and bears, two cents on jack rabbits and ground squirrels, ten cents on musk rats, minks and weasels, five cents on gophers, and one-half of one cent on English sparrows, as hereinafter provided.

County courts authorized to offer rewards.

Bounties.

Sec. 2115. s. 2. The person or persons who shall hereafter kill any of the above named wild animals, or said birds, in order to receive the reward mentioned in Section 1 of this act shall produce the skin of such lynx, grey wolf, wild cat, coyote, fox, mountain lion or bear, or the head of such bird, or of any of the other animals mentioned in Section 1 of this act, not enumerated in this section, before the county clerk in and for any county aforesaid.

Evidence required.

Sec. 2116. It shall be the duty of such county clerk to diligently examine such person or persons, and such other witnesses as said county clerk may deem proper, on oath or affirmation, touching the time when, and place where such animal or bird was so taken and killed, and the circumstances thereof. If upon such examination the county clerk shall be satisfied that such animal or bird was taken and killed by the person or persons producing the skin of such lynx, grey wolf, wild cat, coyote, fox, mountain lion, or bear, or the head of such bird, or of any of the other animals mentioned in Section 1 of this act, not enumerated in this section, within the limits of the county for which said county clerk is qualified to act, he shall immediately cause such skin to be punched in the centre

County clerk to examine witnesses.

Skin to be punched.

of the neck part thereof, with the letters "B.P.," said letters to be not less than one inch in length and a proportionate width; or the head of such bird or animal to be destroyed, and shall issue a warrant on the treasury of said county for the reward offered, in accordance with the provisions of this act, to the person or persons producing such skin or head; *Provided*, That any person or persons must present not less than fifty heads of jack rabbits, ground squirrels or English sparrows, at any one time, to entitle them to the reward offered in accordance with the provisions of this act.

Approved March 10, 1890.

## CHAPTER XX.

### HIGHWAYS.

AN ACT to amend Section 2092 of the Compiled Laws of Utah of 1888, relating to Highways.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2092 of the Compiled Laws of Utah, of 1888 is hereby amended to read as follows:

Penalties and forfeitures.

Sec. 2092. s. 28. All penalties and forfeitures under this act, and not otherwise provided for, must be recovered by the supervisors of the respective road districts and within thirty days thereafter paid into the county treasury of their respective counties.

Approved March 10, 1890.

## CHAPTER XXI.

### INJUNCTIONS.

AN ACT amending Sections 3302 and 3303 and repealing Sections 3301 and 3304, of the Compiled Laws of Utah 1888, relating to injunctions.

SECTION. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3302 of the Compiled Laws of Utah of 1888, is amended to read as follows:

When granted.

Sec. 3302. s. 400. An injunction shall not be granted, except upon notice, or upon an order to show cause; but, in the meantime, the defendant may be restrained until the decision of the court or judge, granting or refusing the injunction is rendered. When an order to show cause is granted without notice, a copy of the pleadings and affidavits upon which it was allowed must be served with the order. An application for an injunction or order to show cause, may be made on verified pleadings, or on verified pleadings and affidavits, and the

Application.

application for the injunction may be heard upon the pleadings, affidavits and other evidence. Satisfactory cause must be shown for the issuance of the injunction or restraining order.

Sec. 2. That Section 3303 of the said Compiled Laws is amended by inserting after the word "granting" and before the word "an" in the first line of said section the words "a restraining order or."

Sec. 3. That Section 3301, and 3304 of said Compiled Laws are repealed.

Sec. 4. This act shall take effect upon its approval.

Approved March 10, 1890.

## CHAPTER XXII.

### BEES.

AN ACT amending Sections 2198, 2199 and 2200, of the Compiled Laws of Utah of 1888, relating to Bees.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That, Sections 2198, 2199 and 2200 of the Compiled Laws of Utah of 1888, are hereby amended to read as follows:

Sec. 2198. s. 4. Upon the complaint of any bee owner that in his opinion the disease known as foul brood exists among the bees of any person whether owner or custodian, it shall be the duty of the inspector to whom the complaint is made to immediately inspect the bees believed to be thus infected; and if such inspector finds that foul brood does exist among such bees, he shall immediately take charge, and control of them and at the expense of the owner, give them proper treatment for the cure of the disease. In such treatment he may destroy such portions of the bees and brood, and of the hives and contents as may be necessary.

Foul brood.

Duty of inspector.

May destroy diseased bees or brood.

Sec. 2199. s. 5. If the owner or person in charge of bees infected with foul brood shall fail to make arrangements acceptable to the inspector for his compensation and the necessary expenses to be incurred in the treatment and cure of the bees which shall in no case exceed three dollars per day and actual expenses then the inspector shall immediately wholly destroy the hives and bees so infected by burning or burying the same.

Compensation of inspector.

Sec. 2200. s. 6. If any person shall by threats of violence, or in any other manner prohibit a duly appointed bee inspector from inspecting, taking charge of, treating or destroying bees, as provided in this act, on conviction thereof before the nearest justice of the peace of the precinct in which said bees are kept, he shall be fined in any sum not less than five nor more than twenty-five dollars for the first offence and for each additional offence he shall be liable to a fine not to exceed fifty dollars.

Penalty for resisting inspector.

Approved March 10, 1890.

## CHAPTER XXIII.

## INTEREST.

AN ACT amending Section 2119 of the Compiled Laws of Utah, of 1888, relating to Interest.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That, Section 2119 of the Compiled Laws of Utah 1888 is hereby repealed, and the following enacted in lieu thereof:

Rate.

Section 2119. Hereafter it shall be lawful to take eight per cent interest per annum, when the amount of interest has not been specified or agreed upon. But parties may agree in writing for the payment of any rate of interest whatever on money due, or to become due on any contract. Any judgment rendered on such contract shall conform thereto, and shall bear the interest agreed upon by the parties and which shall be specified in the judgment.

Sec. 2. All laws in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1890.

## CHAPTER XXIV.

## REGULATING MARRIAGE.

AN ACT amending Section 2591 Compiled Laws of Utah of 1888 regulating Marriage.

License for minors.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2591 of the Compiled Laws of Utah of 1888, be and the same is hereby amended by striking out in line 8 in said section the words "the clerk" and inserting in lieu thereof the following "any officer authorized by law to administer oaths. *Provided,* that whenever such oath shall be administered and certified by a justice of the peace or other officer having no seal and residing outside of the county within which the license is to be issued, such oath and consent shall not be received or filed, unless the signature and official capacity of the officer so administering and certifying such oath, shall be certified by the clerk of the county court of the county in which the officer so certifying resides, and attested by the seal of the county court."

Sec. 2. This act shall take effect upon its approval.

Approved March 10, 1890.



## CHAPTER XXV.

## CONTRACTS.

AN ACT providing for the discharge of Contracts affecting Real Estate.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any contract, agreement or bond for the sale of real estate or any interest therein, now recorded, or which may be hereafter recorded in the office of any county recorder in this Territory may be satisfied and discharged by entry in the margin of the record signed by the party or parties in interest, their assigns or legal representatives, and attested in the same manner as mortgages are satisfied and discharged and such entry shall have the same effect as a deed of release duly acknowledged and recorded.

Agreements, etc., may be satisfied by marginal entry in records.

Sec. 2. This act shall take effect from its approval.

Approved March 11, 1890.

## CHAPTER XXVI.

## UNIVERSITY.

AN ACT amending Section 1835 of the Compiled Laws of Utah of 1888, relating to University.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1835 of the Compiled Laws of Utah of 1888 is amended by adding to said section, the following: The chancellor and regents shall each receive mileage at the rate of ten cents per mile, one way only, for the distance necessarily traveled in attending the meetings of the board of regents, and the secretary and treasurer shall be allowed such compensation for their services as the board may determine; all such mileage and compensation shall be paid out of any moneys appropriated for the maintenance of the University.

Mileage and compensation of officers

Sec. 2. This act shall take effect upon its approval.

Approved March 11, 1890.

## CHAPTER XXVII.

## RELEASE OF DOWER.

AN ACT amending Sections 2531, 2532 and 2533 of the Compiled Laws of Utah, 1888, providing for the Release of Dower.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 2531, 2532 and

2533 of the Compiled Laws of Utah, 1888, be and the same are hereby amended as follows:

Sec. 2531 of said Compiled Laws is amended to read as follows:

Sec. 2531. s 1. In any conveyance of, or encumbrance upon real property, by deed or encumbrance of the husband, the wife or her attorney in fact, may join with the husband, or his attorney in fact, in such deed or encumbrance, and her so joining her husband in such deed or encumbrance shall transfer and convey any and all rights of dower she may have in the property conveyed or encumbered in or by such deed or encumbrance whether the deed or encumbrance states that it is given for the purpose of releasing conveying, or encumbering her right of dower or not; but to be valid the signature of the wife or her attorney in fact, as the case may be, must be witnessed, and she, or her attorney in fact, as the case may be must acknowledge the execution thereof before some officer authorized to take such acknowledgment, in the same manner as an unmarried woman.

Conveyance or encumbrance.

The signature must be witnessed.

Section 2532 of said Compiled Laws is amended to read as follows:

Sec. 2532. s. 2. A married woman may join in a power of attorney with her husband for the encumbrance, release or conveyance of lands, or of any interest therein, or if she so desires she may appoint him or any other person to be her attorney in fact, for such purpose; and said power of attorney shall be witnessed by at least one credible witness; acknowledged in the manner provided by law, and shall be entitled to record.

Powers of attorney.

Section 2533 of said Compiled Laws is amended to read as follows:

Sec. 2533. s. 3. That all instruments in writing which have been executed and acknowledged by married women or by their husbands or other persons acting under powers of attorney, as the attorneys in fact of such married women, before any officer authorized by the laws of this Territory to take acknowledgments to instruments in writing affecting the title to real property in this Territory since the second day of March 1887 and which purport to have been so executed and acknowledged for the purpose of encumbering, releasing or conveying their rights of dower in the real property described in such instruments and all such instruments wherein the wife or her attorney in fact has executed and acknowledged an encumbrance, release or conveyance with her husband or his attorney in fact, as the case may be and such instrument purports to convey all their interest in the property described in such instrument, without referring to her right of dower shall be regarded and considered as a sufficient and proper encumbrance, release, or conveyance, as the case may be, of the right of dower of such married woman in such

Instruments executed since March, 1887, validated.

property and all such instruments are hereby declared valid and effectual in all respects for such purposes.

Sec. 2. This act shall take effect upon its approval.

Approved March 11, 1890.

## CHAPTER XXVIII.

### IRRIGATION.

#### AN ACT to protect Irrigation Companies.

SECTION 1. *Be enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person or company who shall raft or float timber or wood down any river or stream of this Territory shall not allow such timber or wood to accumulate at or obstruct the water gates owned by any person or irrigation company taking or diverting the water of said river or stream for irrigation or manufacturing purposes.

To prohibit floating timber from obstructing water gates.

Sec. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Sec. 3. This act shall take effect upon its approval.

Approved March 11, 1890.

## CHAPTER XXIX.

### FISH AND GAME COMMISSIONERS.

#### AN ACT to provide for the protection of Fish and for the appointment of Territorial and County Commissioners.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the governor of the Territory shall nominate and by and with the advice and consent of the Legislative Council appoint a territorial fish and game commissioner who shall be a resident citizen of this Territory, whose term of office shall be four years and until his successor is appointed and qualified: *Provided*, that when a vacancy occurs in the office of said commissioner and the Legislative Council is not in session the governor shall have power to fill such vacancy.

Appointment.

Term of office.

Sec. 2. The said territorial commissioner shall receive an annual salary of five hundred dollars. He shall before entering upon the duties of his office, take and subscribe to an oath of office and give a bond in the penal sum of five thousand dollars for the faithful performance of his duties. Such bond shall be approved by and filed with the secretary of the Territory.

Salary.

Bond.



Duties of Territorial  
Commissioner.

Sec. 3. The territorial commissioner shall have control and supervision of the public waters for the collection, propagation, culture and distribution of fish in Utah Territory and shall distribute all fish, fish fry and spawn coming into his hands, fairly and equitably among the several counties or otherwise as the said commissioner and the county commissioners may determine. He shall have full control of all property of the Territory obtained or held for the purpose contemplated by this act.

He shall receive all fish, fish fry and spawn donated to this Territory from any source, whatever and also all fish, fish fry, and spawn that may be purchased by this Territory.

Statement.

He may establish hatching boxes for the preservation and hatching of spawn and in the most economical and practical manner procure and distribute fish and fish fry to the public waters of this Territory. He shall make a detailed statement or report of his official transactions, including expenditures and the purpose for which the same were made, also the number and kinds of fish distributed and the locality and names of the streams, ponds or lakes where the same have been placed and submit such report to the Legislature during the first week of its regular session.

Appointment of  
County Commis-  
sioners.

Sec. 4. The county court of each county of this Territory shall appoint a fish and game commissioner, whose term of office shall be four years, and until his successor shall be appointed and qualified. Said county commissioner shall before entering upon the duties of his office, take and subscribe to an oath of office, and give a bond in the penal sum of one thousand dollars for the faithful performance of his duties, said bond shall be approved by the probate judge and filed in the office of the clerk of the county court.

Bond.

Compensation.

Duties.

Reports.

Fines.

The county commissioner shall receive such compensation as shall be determined by the county court, to be paid out of the county treasury, and shall perform his duties under the direction of the county court. It shall be the duty of the county commissioner to see that all laws of this Territory for the protection of fish and game are faithfully enforced and shall report his doings to the county court semi-annually. All fines and forfeitures for violations of the provisions of this act shall be paid into the county treasury of the county wherein the offence shall have been committed.

Fish may be taken  
for propagation.

Reports.

Sec. 5. The said commissioners by authority of the territorial commissioner may take or cause to be taken from the public waters within their respective counties at any time or in any manner any kind of fish for the purpose of propagation or inspection. Each of said county commissioners shall make a detailed report of his official doings to the territorial commissioner during the first week of December of each year.

Section 6. The owner or owners of any dam erected

across any of the streams in this Territory, shall if required by the said county commissioners build, erect and maintain at all times at his or their expense suitable fishways to allow the free and uninterrupted passage of fish up and down such stream.

Fishways may be ordered.

Sec. 7. It shall be unlawful for any person or persons to catch, kill or take any imported fish from the public waters in any county of this Territory for the period of four years from the passage of this act, unless duly authorized by the joint concurrence of the territorial commissioner and the commissioner of said county.

Imported fish protected for four years

Sec. 8. It shall be unlawful for any person to take any trout from the public waters of this Territory by any means or device whatsoever, except by means of hook and line commonly known as angling and that only between the fifteenth day of June of each year and the fifteenth day of February following, *Provided*, that where the waters of any river or mountain stream are diverted from the natural channel of such river or stream into a canal or irrigation ditch for the purpose of irrigating lands, the taking of fish from such canal or ditch shall not be unlawful.

Trout, when and how they may be caught.

Proviso.

Sec. 9. It shall be unlawful for any person to sell, take, kill destroy or have in his possession any trout less than six inches long, or any trout whatever that is taken unlawfully.

Trout less than six inches long must not be taken.

Sec. 10. It shall be unlawful for any person to kill or take any fish from the public waters of this Territory by the use of any poison, deleterious drug, or by the use of giant powder, quick lime, or any other explosive substance, or by the erection of any weir, dam or other artificial obstruction or by the use of any net, sieve or device whatsoever which can or may be used for the unlawful taking of fish *Provided*, that seines not more than two hundred yards long and twelve feet wide with meshes not less than one and one-half inches square for fifty yards in the centre and meshes not less than two inches square in the wings thereof may be used in Green River at all seasons of the year and in Bear and Utah Lakes between the first day of October of each year and the first day of March following.

Unlawful killing of fish.

Seines may be used in certain places.

Sec. 11. All seines, nets, boats or tackle of any kind found in possession of any person who may be found unlawfully taking fish from any of the public waters of this Territory, shall be seized by the officer making the arrest and, if it appears from the evidence before the magistrate trying the cause that the seines, nets, boats or tackle were used or were about to be, or intended to be used for the unlawful taking of fish, the same are hereby confiscate and shall be by the order of the magistrate taken and destroyed.

Seines, et c., for unlawfully taking fish shall be destroyed.

Sec. 12. It shall be unlawful for any person to export dead or living fish caught in any of the public waters of this Territory.

Fish must not be exported from the Territory.

Territory to any point outside of this Territory for either consumption or sale.

Appropriation for  
commissioner's  
salary.

Sec. 13. The sum of one thousand dollars is hereby appropriated out of any money in the territorial treasury not otherwise appropriated to pay the salary of the said territorial commissioner for the years 1890 and 1891.

Appropriation for  
fish hatcheries, etc.

Sec. 14. The sum of five thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the territorial treasury not otherwise appropriated to be expended by the territorial fish and game commissioner for the purchase of a suitable site for establishing and maintaining a territorial fish hatchery, hatching boxes, nursery and breeding ponds and to pay the contingent expenses of the office of the territorial fish and game commissioner for the years 1890 and 1891.

Penalties.

Sec. 15. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Disposal of fines  
collected.

Sec. 16. One half of all fines collected under the provisions of this act shall be paid into the county treasury of the county in which trial may be had and the other half paid to the officer making the arrest.

Sec. 17. All laws in conflict with this act are hereby repealed.

Sec. 18. This act shall take effect upon its approval.

Approved March 11, 1890.

## CHAPTER XXX.

### LIENS FOR MECHANICS AND OTHERS.

AN ACT to secure Liens to Mechanics and others, and to repeal all other acts and laws in relation thereto.

Who may secure  
lien.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That whoever shall do work or furnish materials by contract, express or implied, with the owner of any land, to any amount, for the construction, enlargement, alteration or repair of any building or other structure upon such land or in making any other improvements, or in doing any other work upon such land as stated in following sections shall have a lien upon such land, building, structure and other improvement for the amount and value of the work so done, or materials so furnished to the extent of the interest or claim of such owner thereto at the time of the commencement to do such work or to furnish such materials.

Lien may be in-  
creased.

Said lien shall likewise attach to another or greater interest in any of such property acquired by such owner at any time subsequent to such commencement to do work or to furnish materials and before the establishment of said lien by



process of law. For the purposes of this act the term work shall be deemed to include labor of every kind, whether skilled or unskilled, and for said purposes, except when otherwise indicated, any person having an assignable, transferable or conveyable interest or claim in or to any land, building, structure or other property mentioned in this act, shall be deemed an owner. Any person rendering personal services for wages or otherwise, or by the use of machinery, teams or otherwise, shall be deemed a contractor or sub-contractor in either degree, as the case may be, as well as any person doing work by the job or piece.

Work defined.

Owner defined.

Contractors.

Sec. 2. Whoever shall do work or furnish materials by contract, express or implied, with the principal contractor mentioned in the preceding section, to any amount, for any of the purposes mentioned in the preceding section shall be deemed a sub-contractor in the first degree, and shall have a lien upon any and all such property in like manner as said contractor.

Sub-contractors in the first degree.

Sec. 3. Whoever shall do work or furnish materials by contract express or implied, with a sub-contractor in the first degree, to any amount for any of the purposes mentioned in Section 1 of this act, shall be deemed a sub-contractor in the second degree, and shall have a lien upon any or all such property in like manner as said principal contractor.

Sub-contractors in the second degree.

Sec. 4. The provisions of the three preceding sections shall be limited in their application to the kinds of property indicated in the following sections of this act, and any party claiming a lien to secure the benefits of this act, must comply with the provisions thereof.

Limitation.

Sec. 5. The provisions of this act shall apply to all persons who shall do work or furnish materials for the construction, enlargement, alteration or repair of any building or other structure upon any land in this Territory or for any other improvement thereon.

Buildings.

Sec. 6. The provisions of this act shall apply to all persons who shall do work or furnish materials for the construction, extension, enlargement, alteration or repair of any railroad, tramway, wagon road, toll road, canal, bridge, wharf, water ditch, flume, aqueduct or reservoir.

Railroads, etc

Sec. 7. The provisions of this act shall apply to all persons who shall do work or furnish materials for the working or development of any mine, lode, mining claim or deposit yielding metals or minerals of any kind, or for the working or development of any such mine, lode or deposit in search of such metals or minerals; and to all persons who shall do work or furnish materials upon any shaft, tunnel, incline, adit, drift or other excavation, designed or used for the purpose of draining or working any such mine, lode or deposit. Said lien shall attach in every case to such mine, lode and deposit, and to such shaft, tunnel, incline, adit, drift or other excavation,

Mines.

When lien does not attach.

though such shaft, tunnel, incline, adit, drift or other excavation be not within the limits of such mine, lode or deposit, *Provided*, that when two or more such mines, lodes or deposits owned or claimed by the same person or persons, shall be worked through a common shaft, tunnel, incline, adit, drift or other excavation, then all the mines, lodes or deposits so worked shall, for the purposes of this act, be deemed one mine; *and, provided further*, that this section shall not be deemed to apply to the owner or owners of any mine, lode, deposit, shaft, tunnel, incline, adit, drift or other excavation when the same shall be worked by a lessee.

Surveyors and engineers.

Sec. 8. The provisions of this act shall apply to surveyors, civil and mining engineers doing any work of surveying or platting of any mines, mining claims, lodes or mineral deposits, and they shall have like lien and claim as other persons under the provisions of this act.

Water rights and rights of way.

Sec. 9. Said lien shall likewise attach to rights of water and rights of way that may in any manner pertain to any kind of property hereinbefore specified and to which such lien attaches. In case of corporations said lien shall attach to all the franchises and charter privileges that may in any manner pertain to said specified property.

Statement of claimant.

Sec. 10. Any party claiming a lien shall file in the office of the recorder of the county wherein said land is situated a statement containing:

First. A notice of intention to hold and claim a lien.

Second. A description of the property to be charged therewith.

Abstract.

Third. An abstract of indebtedness showing the whole amount of debt, the whole amount of credit, and the balance due, or to become due, to the claimant, which abstract of indebtedness shall be verified by the claimant or by some other person in his behalf to the best knowledge, information and belief of the affiant. In case two or more persons claim an interest in the same lien and claim, it shall be sufficient for one of such persons, or some other person in their behalf, to verify such abstract of indebtedness, and the signature of any such affiant to any such verification shall be a sufficient signing of such statement.

When contractors must file statement.

Sec. 11. In case of the principal contractor or any assignee thereof, said statement shall be filed within sixty days after the time when the last work shall have been done, or the last materials shall have been furnished by such contractor.

Sub-contractors statement.

In case of a sub-contractor of either degree, or of any assignee thereof, said statement shall be filed within forty days after the time when the last work shall have been done, or the last materials shall have been furnished by such sub-contractor.

Sec. 12. Any sub-contractor of either degree who shall intend to do work, or to furnish materials for which such lien



is given, may file in the office of the recorder of such county wherein said land is situated a statement containing: Preliminary statement.

First. A notice of intention to hold and claim a lien.

Second. A description of the property to be charged therewith.

Third. The probable value of the work to be done and the probable value of the materials to be furnished as near as may be. Said statement may be filed before he begins to do such work or to furnish such materials. Likewise he may file such statement at any time after he begins to do such work, or to furnish such materials, and before the completion of his undertaking under the contract.

From the time he shall have filed such statement, he shall have a lien for such work thereafter done by him, or for such materials thereafter furnished by him not exceeding the sum stated as the probable value thereof. In case any such party claiming a lien shall have done work or furnished materials before the filing of such statement, he may include in such statement a statement of the value, or probable value, of the work already done and material furnished, as near as may be, for which said last named values to the extent of the sum mentioned, said lien shall likewise attach. Every such statement last mentioned shall have endorsed upon it the affidavit of the party claiming such lien that he claims such lien in good faith. In case two or more persons claim an interest in the same lien and claim, it shall be sufficient for one of such persons to make said affidavit, and the signature of any such affiant to such affidavit shall be a sufficient signing of such statement. Endorsement.

Sec. 13. It shall be the duty of said recorder to file either of said statements, or both, when the same shall have been presented for filing, and record the same in a separate book (one book provided for that purpose may do for both kinds of statements) and from the time of such filing all persons shall be deemed to have notice of such statements. Recorder to file and record statement.

Sec. 14. It shall be sufficient to address either of said statements to all whom it may concern, and any informality in any such statement that shall not tend to mislead shall not affect the validity thereof. No incorrect estimate in any such statement of the amount due or to become due, or of any probable value, shall affect the validity of any such statement, unless such incorrect estimate be made in bad faith. But the filing of the statement lastly described shall not dispense with the requirement of filing the statement firstly described in Section 10. Address.

Sec 15. Upon the filing of the firstly described statement and service of a copy thereof upon the owner or upon the filing of the secondly described statement and service of a copy thereof upon the owner by any such sub-contractor, the payment to the contractor of so much money as is claimed to Errors do not affect validity.

Owner to retain  
amount of lien  
until claim is  
satisfied.

be due or to become due in any such statement for such work or materials, and such money as the stated probable value of such work or materials, shall be deemed to be enjoined in the hands of the owner, and it shall be his duty to hold the same, whether then due or thereafter to become due to the contractor, for the benefit of the party claiming under such statement, until the right of the party so claiming to receive the amount claimed if the same be contested shall have been legally adjudged or until such lien shall have been ended by expiration of time, or shall have been otherwise satisfied.

Limit of owner's  
responsibility.

Sec. 16. Any such claim of any sub-contractor that shall be established under this act, by the judgment or decree of court shall, to the full amount thereof, be a valid set-off in favor of such owner and against the contractor, but in no event shall claims of sub-contractors adjudged to be due as aforesaid and costs of adjudication be a lien upon the property to any greater extent than the indebtedness of said owner to the contractor.

Sub-contractor's  
responsibility.

In case of sub-contractors in the second degree no such claims of such last named sub-contractors so adjudged to be due shall be a lien upon the property to any greater extent than the indebtedness of the original contractor to the sub-contractor in the first degree; but in said last named case, no payment made by the contractor to the sub-contractor in the first degree, after the filing of either of said statements, shall affect the amount of the lien of the sub-contractor in the second degree.

Continuous work.

Sec. 17. In case the act of doing such work or of furnishing such materials shall be continuous, said lien shall attach as in other cases, even though such work shall have been done or materials shall have been furnished under two or more contracts between the same parties.

Lands, when sub-  
ject to lien.

Sec. 18. In the case of lands occupied by any such building, structure, building lot, railroad, tramway, wagon road, toll road, canal, bridge, wharf, water ditch, flume, aqueduct or reservoir, mine, mining claim, lode or deposit, shaft, tunnel, incline, adit, drift or other excavation so much of such lands as may be necessary for the convenient use and occupation of any such building, structure or any other improvement or thing hereinbefore enumerated in this act, shall be subject to the liens hereinbefore provided for. In case of a mine, mining claim or lode, except as otherwise provided, said lien shall attach to the whole thereof or to so much thereof as said owner shall have an interest in. In case any such building shall occupy two or more lots or other subdivision of land, such several lots or other subdivisions of land shall be deemed one lot for the purpose of this act, and the same rule shall hold in cases of any other such improvements that shall be practically indivisible. Said lien shall attach to all machinery and other fixtures used in connection with any such lands, build-

Liens on mines.

Building lots.

Machinery, etc.

ings or structures. When the lien is for work done or material furnished for an entire structure, erection or improvement, such lien shall attach to the building, erection or improvement for or upon which such work was done or materials furnished. Buildings, when subject to lien.

Sec. 19. All such liens shall relate back to the time of the commencement to do work or to furnish materials and shall have priority over any and every lien or encumbrance subsequently intervening, or which may have been created prior thereto, but which was not then recorded, and of which the lienor under this act had no notice. Nothing herein contained shall be construed as impairing any valid encumbrance upon any such land duly made and recorded before such work was commenced, or the first of such materials were furnished. No attachment, garnishment, or levy under execution upon any money due a contractor from the owner of any such property, subject to any such lien, shall be valid as against such lien of a sub-contractor, and no such attachment, garnishment or levy upon any money due a sub-contractor of the first degree from the contractor shall be valid as against any such lien of a sub-contractor in the second degree. Priority of liens. Valid encumbrances not affected. When attachments, etc., are valid

Sec. 20. In every case in which different liens are claimed against any property, the rank of each lien or class of liens as between the contractor and sub-contractors, shall be declared in the decree or judgment in the following order named; Rank of liens.

First; Sub-contractors in the second degree.

Second, Sub-contractors in the first degree.

Third; The original contractors. And the proceeds of the sale of the property to which such liens shall have attached must be applied to each lien or class of liens in the order of its rank.

Sec. 21. No lien claimed by virtue of this act shall hold the property longer than one year after filing the statement firstly described in Section 10, unless an action be commenced within that time to enforce the same. When lien expires.

Sec. 22. Any number of persons claiming liens and not contesting the claims of each other may join as plaintiffs in the same action, and when separate actions are commenced, the court may consolidate them upon motion of any party in interest or upon its own motion. Upon such procedure for consolidation, one case shall be selected with which the other cases shall be incorporated, and all the parties to such other cases shall be made parties defendants in said case so selected. All persons having claims for liens, the statements of which shall have been filed as aforesaid, shall be made parties to the action. Those claiming liens or who fail or refuse to become parties plaintiff, or for any reason shall not have been made such parties shall be made parties defendant. Any party claiming a lien not made a party to such action Consolidation of claims. When claimants become defendants.



Intervenor.

may, at any time before the trial of the action or before the final hearing of the case by the court, be allowed to intervene by motion, upon cause shown, and may be made a party defendant on the order of the court. The court shall fix the time for such intervenor to plead or otherwise proceed. The pleadings or other proceedings of such intervenor, thus made a party shall be the same, as though he had been an original party. Any such defendant, by way of answer, shall set forth by cross complaint his claim and lien. Likewise such defendant may set forth in said answer defensive matter to any claim or lien of any plaintiff or co-defendant, or otherwise deny such claim or lien. Any such defendant may, by his answer, set up that there are other persons who claim liens upon the property described, naming them, and asking that they be summoned to appear and maintain the same. Thereupon an amended summons shall issue in like form as the original, but so modified as to make the persons so named in the answer parties defendant in addition to the other defendants. Said last named summons shall be served upon such new defendants as in other cases. The owner of the property to which such lien shall have attached shall be made party to the action.

Defendant's answer.

Summons.

Complaint.

Sec. 23. It shall be sufficient to allege in the complaint in relation to any party claiming a lien, whom it is desired to make a defendant, that such party claims a lien under this act upon the property described.

Pleadings may be amended.

Sec. 24. In case of the intervention of parties or of the making of new parties, or of the consolidation of actions so that the issues are in any manner changed or increased, any party to the action shall be allowed to amend his pleadings or file new pleadings, as the nature of the case may require.

Trial before court or referee.

Sec. 25. The court may proceed to hear and determine said liens and claims, or may refer the same to a referee to ascertain and report upon said liens and claims, and the amounts justly due thereon. Judgment shall be rendered according to the rights of the parties. The various rights of all the lien claimants, and other parties in any such actions, shall be determined and incorporated in one judgment or decree. Each party who shall establish his claim under this act shall have a judgment against the party personally liable to him for the full amount of his claim so established, and shall have a lien established and determined in said decree upon the property to which his lien shall have attached to the extent hereinbefore stated.

Judgment.

Sale of property.

Sec. 26. The court shall cause said property to be sold in satisfaction of said lien and costs of suit, as in the case of foreclosures of mortgages, and any party in whose favor a judgment for a lien may have been rendered, may cause the property to be sold within the time and in the manner provided for sales on executions issued out of any court of record, and the owner and creditor shall have a right of redemption, as is provided in the case of sales on execution. And if the proceeds of

Right of redemption.

such sale, after the payment of costs, shall not be sufficient to satisfy the whole amount of such liens included in the decree of sale, then such proceeds shall be apportioned according to the rights of the several parties. In case the proceeds of sale amount to more than the sum of said liens and all costs, then the remainder shall be paid over to the owner of said property, and each party whose claim is not satisfied in the manner hereinbefore provided, shall have execution for the balance unsatisfied against the party personally liable, as aforesaid, to said party so obtaining executions. In the first instance, without a previous sale of said property to which such liens shall have attached, an execution may issue in behalf of any such lien claimed for the full amount of his claim against the party personally liable. A transcript of the docket of said judgment and decree may be filed with the recorder of the county where such property is situated; said judgment and decree shall become a lien upon the real property of each party so personally liable in favor of any such lien claimant holding any such judgment against any party so personally liable.

Apportionment of proceeds.

Remainder.

Execution.

Filing of transcript.

Sec. 27. The court shall divide the costs between the parties liable therefor according to the justice of the case but in no case shall any costs be taxed against the owner, so far as the costs of sub-contractor in the first and second degree are concerned. The costs of filing and recording said statement shall be taxed as a part of the cost.

Costs.

Sec. 28. Any party claiming a lien may assign his claim and lien to any other claimant or other person, who shall thereupon have all the rights and remedies of the assignor. The purpose of the enforcement of any such lien by action under this act shall be a sufficient consideration as to all other parties for the purposes of such action. Such assignment may be made before or after the filing of the statement mentioned in said Section 10. Any such claimant, whether as assignee or otherwise, may include all of said liens he may possess in any such statement, and when more than one such claim shall be included in one such statement, one verification thereto shall be sufficient. Any person may file a separate statement of two or more claims of the same class.

Assignment of claim.

Statement.

Sec. 29. If any person shall file either of said statements for a lien for a larger sum than is due, or to become due, in fact or in probability, as the case may be, with intent to cheat or defraud any other person, and that fact shall appear in any proceedings under this act, such person shall forfeit all rights to such lien under this act.

Forfeiture of rights.

Sec. 30. The claimant of any such lien the statement of which has been filed as aforesaid, on the payment of the amount thereof, together with the costs of filing and recording such lien, and the acknowledgment of satisfaction, shall at the request of any person interested in the property charged therewith, enter, or cause to be entered, an acknowledgment

Acknowledgment of claimant.

of satisfaction of the same of record; and if he shall neglect or refuse to do so within a reasonable time after request of any person so interested, he shall forfeit and pay to said person the sum of twenty dollars for every day of such neglect, or refusal, to be recovered in the same manner as any other debts. A valid tender of such payment refused by any such claimant shall be equivalent to a payment for the purposes of this section. Any such statement may be cancelled of record in the same manner as mortgages. Any person who shall file such statement setting forth his intent to do such work or furnish such materials and shall fail to commence to do such work or to furnish such material, without delay, shall at his own expense cause such statement to be released of record, and if he shall neglect or refuse to do so within five days after the request of any person so interested, he shall forfeit and pay to said person so interested the sum of twenty dollars for every day of such neglect or refusal, to be recovered in the same manner as other debts.

Sec. 31. No remedy given in this act shall be construed as preventing any person from enforcing any other remedy which he otherwise would have had, except as otherwise herein provided. The practice under this act shall be in accordance with the code of civil procedure of this Territory.

Sec. 32. All acts and parts of acts inconsistent with the provisions of this act, and Sections 3806 to Section 3820 both inclusive of the Compiled Laws of Utah 1888, are hereby repealed; *Provided* that the repeal of said acts or part of acts, or any of them, shall not affect any right or remedy nor abate any suit or action or proceeding existing, instituted or pending under the laws hereby repealed.

Sec. 33. This act shall take effect upon its approval.  
Approved March 12, 1890.

## CHAPTER XXXI.

### BOUNTIES.

AN ACT to encourage Manufactures and paying Bounty therefor.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That there shall be paid out of the territorial treasury to any corporation, firm or person engaged in the manufacture of iron in this Territory from ores mined in Utah, a bounty of two dollars per ton upon each and every ton of iron so manufactured under the conditions and restrictions of this act.

Sec. 2. That there shall be paid out of the territorial treasury to any corporation, firm or person engaged in the manufacture of cast iron pipe or lap-welded wrought iron pipe



or tubing in this Territory from raw material manufactured in Utah, a bounty of five dollars per ton on each and every ton of cast iron pipe or lap-welded wrought iron pipe or tubing so manufactured under the conditions and restrictions of this act.

Sec. 3. That there shall be paid out of the territorial treasury to any corporation, firm or person engaged in the manufacture of sugar in this Territory, from sorghum, beets Sugar. or other sugar bearing plants grown in Utah, a bounty of one cent per pound upon each and every pound of sugar so manufactured under the conditions and restrictions of this act.

Sec. 4. That there shall be paid out of the territorial treasury to any corporation, firm or person engaged in the manufacture of rope and twine in this Territory, from hemp, Rope and twine. okra or other suitable plant grown in Utah, a bounty of one cent per pound upon each and every pound of rope or twine so manufactured under the conditions and restrictions of this act.

Sec. 5. No bounty shall be paid upon any iron which is not suitable for manufacturing purposes, nor upon any cast iron pipe or lap-welded wrought iron pipe or tubing which is not perfectly made and merchantable at such prices as imported pipe of same sizes is sold in this market, nor upon any sugar When bounties shall not be paid. that does not contain at least ninety (90) per cent of crystallized sugar, nor upon any rope or twine, which is not merchantable at such prices as imported rope and twine of same weight and sizes are sold in this market.

Sec. 6. The quantity and quality of the articles upon which bounty is claimed shall be determined by the secretary of the Territory, with whom all claimants shall, from time to time, file verified statements, showing the quantity and quality Quantity and quality, how determined. of the articles manufactured by them, and upon which such bounty is claimed, and the specified dates upon which said articles were made. Upon receipt of said verified statements said secretary shall file and record the same in his office, and upon presentation to him of duplicate bills of sales actually made duly sworn to by the manager or superintendent of the factory where such articles have been made, after comparing said duplicate bills of sale with the statements previously filed in his office the said secretary shall certify the same to the territorial auditor, who shall draw a warrant upon the territorial treasurer for the amount due thereon, payable to the party or parties to whom the said sums are due.

Sec. 7. The compensation or fee for said services shall not exceed one per cent. of the amount of bounty claimed, which Fees and expenses. cost, and the cost of any or all analyses that the secretary shall require to be made, shall be borne and paid by the claimants of said bounty.

Sec. 8. No bounty shall be paid upon iron unless the corporation, firm or person claiming it shall first have erected a

Costs and capacity  
of factories entitled  
to receive bounty.

plant for its manufacture costing not less than one hundred thousand dollars, and having a capacity of manufacturing twenty tons of pig iron per day. No bounty shall be paid upon cast iron pipe or lap-welded wrought iron pipe or tubing, unless the corporation, firm or person claiming it shall first have erected a plant for its manufacture costing not less than thirty-five thousand dollars and having a capacity of manufacturing ten tons of pipe per day. No bounty shall be paid upon sugar unless the corporation, firm or person claiming it shall first have erected a plant for its manufacture, costing not less than two hundred thousand dollars, and having a capacity of manufacturing fifteen tons of sugar per day. No bounty shall be paid upon rope or twine unless the corporation, firm or person claiming it shall first have erected a plant for their manufacture costing not less than twenty thousand dollars, and having a capacity of manufacturing one thousand pounds per day.

Appropriation.

Sec. 9. The provisions of this act shall extend through the years 1890 and 1891, and the sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for said bounties, *Provided* that not more than fifteen thousand dollars shall be drawn the first year; and, *provided further*, that if no bounty is claimed on any one of the aforementioned articles in the year 1890, the provisions of this act shall extend, so far as that article is concerned, through the year 1892. After aggregate bounties have been allowed by the secretary of the Territory upon the articles herein named, to the amount of thirty thousand dollars (\$30,000), no further bounty shall be allowed or paid by the Territory during the term prescribed in this act.

When payment of  
bounties shall cease

Approved March 12, 1890.

## CHAPTER XXXII.

### TRAIN DISPATCHERS.

AN ACT requiring Railroad Companies and Train Dispatchers to make public the time of departure of trains.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That it shall be the duty of each and every train dispatcher of the several railroad companies now or hereafter running passenger trains in this Territory to cause to be made public by the station agent at every telegraph station within his respective jurisdiction, not less than fifteen minutes before the schedule time of departure of each train carrying passengers, the time of such departure, on a bulletin board placed in a conspicuous and public place at such station. If from any cause the departure of any such

Train bulletins.

train is delayed the probable duration of such delay shall at once be so bulletined.

Sec. 2. Every train dispatcher failing to furnish the information required in the preceding section to the station agent at every telegraph station within his jurisdiction, and every such station agent failing to make public the information so furnished as herein provided is guilty of a misdemeanor.

Penalty for failure or neglect.

Sec. 3. Each and every company or corporation running and operating railway trains and carrying passengers within this Territory shall instruct and cause every train dispatcher or other officer in its employ having the managements or control of the moving of passenger trains to make public in the manner provided in Section 1 of this act the information required therein. A failure so to do shall make the company or corporation so failing liable for all damages and costs that may be sustained by any person by reason of such failure.

Railroad companies must notify employer.

Liability of railroad companies.

Approved March 12, 1890.

## CHAPTER XXXIII.

### RAILROAD CONSOLIDATION.

AN ACT amending Section 2360, of the Compiled Laws of Utah, of 1888, relating to Railroad Corporations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2360 of the Compiled Laws of Utah of 1888 is amended to read as follows:

Sec. 2360. s. 46. It shall be lawful for any railroad companies organized under the laws of this Territory to consolidate their capital stock, debts, property assets and franchises together, and make like consolidations with any railroad company or companies organized under the laws of any State or other Territory; and any consolidation of any domestic railroad companies heretofore effected under the laws of this Territory is hereby validated and confirmed.

Consolidation of railroad companies

*Provided;* that none of such roads consolidating shall be parallel or competitive, but shall be substantially continuous and connective.

Conditions.

Approved March 12, 1890.

## CHAPTER XXXIV.

### INSANE ASYLUM.

AN ACT amending Section 1941 s 2 of the Compiled Laws of Utah of 1888 relating to Insane Asylum.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1941, s 2, of



Board of Directors.

the Compiled Laws of Utah, of 1888, is hereby amended by striking out the word "four" in line eight of said section and inserting in lieu thereof the word "two," and by striking out all of said section after the word "qualified in line nine and inserting in lieu thereof the following: *Provided*, That said board of directors shall consist of seven persons. The terms of office of all directors now in office shall cease and terminate as soon as their successors in office are qualified.

Sec. 2. This act shall be in force upon its approval.

Approved March 12, 1890.

## CHAPTER XXXV.

### INTOXICATING LIQUORS.

AN ACT amending Sections 2160, 2169 and 2170 of the Compiled Laws of Utah of 1888 relating to intoxicating liquors.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section two thousand one hundred and sixty of the Compiled Laws of Utah of 1888, is hereby amended to read as follows;

Sec. 2160. s. 5. Any person who shall knowingly give, sell or otherwise dispose of any intoxicating drink to an Indian, insane or idiotic person, and any person licensed as hereinafter provided, or any other person who shall for compensation knowingly give, sell or otherwise dispose of any intoxicating drink to any minor or who shall permit any of said persons to be or remain in his place of business where liquors are sold, without the written consent of the parents or guardians thereof or who shall give, sell or otherwise dispose of any intoxicating drink to any person who is known in the community in which he resides to be an habitual drunkard, shall be guilty of a misdemeanor.

Penalty for selling to Indians, minors, habitual drunkards etc.

Sec. 2. That section twenty-one hundred and sixty-nine of said laws is hereby amended to read as follows:

Sec. 2169 s. 1. It shall be unlawful for any person either licensed or unlicensed to sell, give away or in any manner dispose of directly or indirectly any spirituous, vinous or other intoxicating liquors on any part of any day set apart or to be set apart for any general or special election for any territorial, county, municipal, district or precinct officer, except district school trustees, in any election precinct or district in any of the counties or municipalities in this Territory, except for medical purposes upon the prescription of a physician.

Penalty for disposal of on election day.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 3. That twenty-one hundred and seventy of said laws is hereby amended to read as follows;



Sec. 2170. Any physician who shall issue to any person a prescription to obtain any intoxicating liquors at any time when the sale or disposal thereof shall have been forbidden by law shall certify on said prescription that the health of the person to whom the prescription is issued requires, and would be promoted by, the particular kind of liquor prescribed.

Physicians must  
certify to prescrip-  
tions.

Any physician who shall issue any prescription for intoxicating liquors contrary to this section shall be guilty of a misdemeanor.

Sec. 4. This act shall take effect from and after the 30th day of April, 1890.

Approved March 12, 1890.

## CHAPTER XXXVI.

### NOTICE FOR RENT.

AN ACT amending Section 3788 of the Compiled Laws of Utah of 1888, relating to summary proceedings for obtaining possession of real property in certain cases by adding thereto another subdivision numbered 5.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3788 of the Compiled Laws of Utah of one thousand eight hundred and eighty-eight is amended by adding to the end of said section another subdivision viz: 5—as follows—

5, The demands for rent and the services of the notices mentioned in this section may be made at any place and at any time after the rent is due.

Time and place of  
service.

Sec. 2. This act shall take effect upon its approval.

Approved March 12, 1890.

## CHAPTER XXXVII.

### MINES.

AN ACT to provide right of way and easements for the development of mines.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the owner, locator or occupant of a mining claim, whether patented under the laws of the United States or held by location or possession may have and acquire a right of way for ingress and egress, when necessary in working such mining claim over and across the lands or mining claims of others, whether patented or otherwise.

Right of way.

Use of right of  
way.

Sec. 2. When any mine or mining claim is so situated that for the more convenient enjoyment of the same a road, railroad or tramway therefrom or thereto, or ditch, flume, water pipe line, cut or tunnel to drain or convey the waters, or tailings therefrom or thereto, or a tunnel may be necessary for the better working thereof, which road, railroad, tramway, ditch, canal, flume, water pipe line, cut or tunnel, may require the use or occupancy for such right of way of lands or mining grounds owned, occupied or possessed by others than the person or body corporate requiring an easement for any of the purposes described, the owner, claimant or occupant of the mine or mining claim first above mentioned is, entitled to a right of way, entry and possession for all the uses and privileges for such road, railroad, tramway, ditch, canal, flume, water pipe line, cut or tunnel in, upon, through and across such other lands or mining claims, upon compliance with the provisions of this act.

How secured.

Petition.

Sec. 3. When the owner, claimant or occupant of any mine or mining claims desires to work the same and to enable him to do so successfully and conveniently it is necessary that he have a right of way for any of the purposes mentioned in the foregoing sections, if such right of way cannot be acquired by agreement with the claimant or owner of the lands or claims over, under across or upon which he seeks to establish such right of way he may present to the judge of the district court of the district in which such right of way or some part thereof sought to be enforced is situated, a petition praying that such right of way be awarded to him. Such petition must be verified and contain a particular description of the character and extent of the right sought a description of the mine or claim of the petition and the claim and lands to be affected by such right or privilege with the names of the occupants or owners thereof. He shall also set forth any tender or offer hereinafter mentioned and demand the relief sought.

Citation to appear.

Sec. 4. Upon the receipt of such petition and filing the same with the clerk of such court the judge must direct a citation to be issued under the seal of such court to the owners named in the petition of the mining claims and lands to be affected by the proceedings requiring them and each of them to appear before the judge on the day therein named which must not be less than ten days from the service thereof, and answer and show cause why such right of way should not be allowed as prayed for, such citation must be served on each of the parties in the manner prescribed by law for serving summons in ordinary proceedings at law.

Hearing.

Sec. 5. Upon the return day of the citation or upon any day to which the hearing may be adjourned, the judge must proceed to hear the allegations and proofs of the respective parties, and if upon such hearing he is satisfied that the claims of the petitioners can only be conveniently and suc-

cessfully worked by means of the privilege prayed for, he must make an order adjudging and awarding to the petitioners such right of way and must appoint three commissioners, Commissioners. who must be disinterested parties and residents of the district to assess the damages resulting to the lands or claims affected by such order.

Sec. 6. The commissioners so appointed must be sworn to faithfully and impartially discharge their duties, and must proceed without unreasonable delay to examine the premises and assess the damages resulting from such right or privilege prayed for, and report the amount of the same to the judge appointing them; and if such right of way affects the property of more than one person or company, such report must contain an assessment of damages to each company or person. Duties.

Sec. 7. For good cause shown, the judge may set aside the report of such commissioners and appoint three other commissioners whose duty shall be the same as above mentioned. Report may be set aside.

Sec. 8. Upon the payment of the sum assessed as damages as aforesaid, to the persons to whom it is awarded, or a tender thereof to them, then the person petitioning as aforesaid, is entitled to the right of way prayed for in his petition and may immediately proceed to occupy the same and erect thereon such works and structures, and make therein such excavations as may be necessary to the use and enjoyment of the right of way so awarded. May occupy.

Sec. 9. Appeals from the assessment of damages made by the commissioners may be made and taken to the district court in the same manner and subject to the same conditions and requirements as appeals taken to the district court from judgments of justices of the peace, and upon such appeal the trial shall be by jury unless a jury trial is waived as in other civil cases. Appeals.

Sec. 10. The prosecution of an appeal does not hinder, delay or prevent the respondent from exercising all the rights and privileges granted by the award, if he files with the clerk of the court in which the appeal is pending, a bond with sufficient sureties to be approved by the clerk, in double the amount of the assessment appealed from, conditioned that the respondent will pay to the appellant all damages he may sustain, and whatever amount he may recover in the action. Appeal Bonds.

Sec. 11. If the appellant recover more damages than the commissioners awarded, or the respondent offers to allow, the respondent must pay the costs of the appeal, otherwise the appellant must pay such costs. Costs.

Sec. 12. The costs and expenses of proceedings under the provisions of this act, except as herein otherwise provided, must be paid by the party making the application.

Sec. 13. Nothing contained in this act shall be so con-



Crossings, etc.

strued as to permit, allow or authorize the dumping of waste or the erection of buildings upon the surface ground obtained under the provisions of this act, and the party so obtaining right of way shall, without delay, construct safe and permanent crossings over and across any flume, open cut, or excavation that may necessarily be made; and the persons obtaining such right of way or easement shall at once safely and permanently secure and keep in good repair all ways, tunnels, drifts, cuts, drains and excavations, made by them.

Approved March 12, 1890.

## CHAPTER XXXVIII.

### CONTAGIOUS DISEASES.

AN ACT to prevent the spread and providing for the treatment of contagious diseases among sheep.

County court to appoint inspectors.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That within sixty days after the approval of this act, the county court of each county in this Territory, shall appoint an inspector of sheep for their respective counties. Such inspector shall hold office during the pleasure of the county court and until his successor is duly appointed and qualified.

Qualifications of inspector.

Bond.

Deputies.

Duties.

Expenses.

Sec. 2. Each inspector of sheep shall be a practical sheep man and a resident of the county for which he is appointed. Before entering upon the duties of his office he shall execute a bond payable to the Territory of Utah, in the sum of one thousand (\$1000.00) dollars, with at least two good and sufficient sureties to be approved by the county court, and filed with the clerk of said court, conditioned for the faithful performance of the duties of his office. Each inspector may appoint one or more deputies for whose official acts he shall be responsible. Upon the affidavit of any citizen of the county, having or owning sheep, that sheep owned by, or in charge of any other person, are afflicted with scab, scabies, or any contagious or infectious disease, and that such owner or other person has been notified of the fact and fails to take proper steps for the treatment and cure of such diseased sheep, it shall be the duty of the inspector, without delay, to examine such sheep, and, if he shall find them, or any of them, to be infected with any such disease, he shall take such sheep in his possession at once, and take, or cause to be taken, the proper steps for their treatment and cure, and the owner or owners of such diseased sheep shall be liable to said inspector for all necessary expenses, costs and charges incurred thereby, including a compensation of three dollars a day to such inspector for every day in which he shall be necessarily employed and



ten cents per mile for each and every mile traveled in going to and from such place; *Provided*, that no inspector shall be required to proceed to inspect any sheep complained of, until the party complaining shall have deposited with the inspector an amount, sufficient to cover his per diem and mileage, which the party complaining shall pay if the complaint prove false. Deposit may be required.

Sec. 3. Any person, company or corporation bringing or causing to be brought into this Territory by railroad any sheep, shall immediately upon their arrival at the first place where they are to be unloaded report them for inspection to the nearest inspector, and the owners or persons in charge of sheep brought into this Territory in any manner except by railroad shall immediately report their arrival to the inspector of the county which they first enter. Upon receiving such report the inspector shall immediately inspect such sheep, and if he finds them to be free from all infectious and contagious diseases he shall issue a certificate over his official signature that such sheep have been duly inspected and that they are free from all contagious and infectious diseases. Such certificate shall entitle the sheep so inspected to pass over any portion of the Territory, and they shall not be interfered with except upon a complaint by affidavit as provided in Section 2 of this act. All expenses incurred by inspections provided for in this section shall be paid by the owners or persons in charge of such sheep, and all such expenses shall be a lien on the sheep so inspected or treated, and the inspector is authorized to take and hold in his possession a sufficient number of such sheep, but no more than may be considered necessary, to pay the expenses so incurred. The provisions of this section shall not apply to sheep unloaded in transit through the Territory, nor to sheep owned by residents of the Territory which may be ranged a portion of the year without but near the boundaries of this Territory. Importation of sheep

Sec. 4. Whenever said inspector shall find any sheep afflicted by any contagious or infectious disease he shall forthwith take every measure and precaution to prevent such diseased sheep from going among or mingling with any other sheep so afflicted and shall so notify the owner or person in charge of such diseased sheep. The owner or person in charge of such diseased sheep shall immediately proceed to treat them for the cure of such disease under the supervision of said inspector, any person who shall refuse or neglect to immediately observe the directions of such inspector as hereinbefore provided shall, on conviction of such refusal, or neglect, be fined not less than fifty nor more than two hundred dollars. Inspection.

Sec. 5. In case the owner or person in charge of such diseased sheep shall fail or refuse for the period of thirty days to treat such sheep under the supervision of said inspector as provided in Section 3 of this act, then said inspector shall Expenses to be paid by owner.

Treatment of diseased sheep.

Fines.

Seizure. seize such diseased sheep and shall proceed to treat them for such disease, and the cost of such seizure, keeping and treatment and the fees and mileage of such inspector as provided in Section 1 of this act, shall be a charge and a lien on the sheep so seized, and such inspector shall hold such sheep till such amount be paid. Immediately after the completion of the treatment as herein provided the inspector shall notify the person or persons in charge of the amount of costs and expenses incurred thereby, and that said sheep are ready to be returned upon payment of such costs and charges, and if such sum be not paid within ten days after the receipt of such notice said inspector shall recover the same from the owner of such sheep by an action in any court of competent jurisdiction but such action cannot be commenced after twenty days from the giving of such notice. *Provided*, no person or company shall be required to dip or treat a band of sheep or any part of them, in which there are ewes with lamb, at any time from the fifteenth day of March to the fifteenth day of June in any year.

Costs, etc.

Exception.

Sec. 6. The fees of the inspector shall be as follows: For inspecting and granting certificates and traveling permits, three dollars each day and ten cents per mile for every mile necessarily traveled in making such inspection.

Fees of inspector.

Sec. 7. Any person, company or corporation violating any of the provisions of this act shall be liable in a civil action for all damages sustained by any person, company or corporation in consequence of such violation.

Penalty.

Sec. 8. It shall be the duty of the inspector and his deputies to institute prosecutions for all violations of this act, but nothing herein contained shall prevent other persons from so doing.

Prosecutions.

Sec. 9. Any inspector who shall fail to inspect any sheep upon the application or affidavit of any person made in compliance with the provisions of this act, and any other person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor.

Failure to inspect.

Approved March 12, 1890.

## CHAPTER XXXIX.

### APPROPRIATIONS.

AN ACT making Appropriations for general purposes.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the following sums of money are hereby appropriated out of any money in the territorial treasury not otherwise appropriated for the purposes hereinafter expressed;

1st.	For salary of auditor of public accounts, for the years 1890 and 1891, one half to be drawn each year .....	\$ 4800 00	Auditor's salary.
2nd.	For salary of territorial treasurer for the years 1890 and 1891, one half to be drawn each year.....	2500 00	Treasurer's salary.
3rd.	For salary of territorial commissioner of district schools for the years 1890 and 1891 to be drawn quarterly ....	3000 00	School Commissioner's salary.
4th.	For salary of the territorial librarian for the years 1890 and 1891, to be drawn quarterly, <i>Provided</i> that this compensation shall include all the incidental expenses connected with the librarians office.....	500 00	Librarian's salary.
5th.	For rent of rooms for the auditor and treasurer, sealer of weights and measures and recorder of marks and brands for the years 1890 and 1891.....	2400 00	Rent.
6th.	For incidental expenses of the offices of auditor of public accounts, sealer of weights and measures and recorder of marks and brands for the years 1890 and 1891, or so much thereof as may be necessary. <i>Provided</i> , the same shall be paid out on vouchers approved by and filed with the auditor, a statement of which shall be presented to the Legislative Assembly at the next regular session thereof .....	750 00	Incidentals.
7th.	For incidental expenses of the office of territorial treasurer, for the years 1890 and 1891, or so much thereof as may be necessary.....	250 00	Same.
8th.	For incidental expenses of the office of the territorial commissioner of district schools for the years 1890 and 1891 .....	250 00	Same.
9th.	For services of clerk of the First Judicial District Court for the years 1890 and 1891 to be drawn quarterly....	2000 00	Salary of clerk of court.
10th.	For services of clerk of the Second Judicial District Court for the years 1890 and 1891 to be drawn quarterly.....	1500 00	Same.
11th.	For services of clerk of the Third Judicial District Court for the years 1890 and 1891 to be drawn quarterly..... <i>Provided</i> , that the amounts specified in items 9, 10 and 11, shall be in lieu of all fees now allowed said clerks by law in territorial criminal cases.	2000 00	Same.
12th.	To pay deficiency of witness and jurors in territorial criminal cases for 1889 as reported by court commissioners as follows :		Proviso.
	To First Judicial District Provo division to be drawn on the order of J. W. Turner.....	7138 52	Witnesses and jurors.



	To First Judicial District Ogden division to be drawn on the order of Joseph Stanford.....	\$ 3112 00
	To Third Judicial District to be drawn on the order of George D. Pyper.....	2406 52
Expenses of criminal cases.	13th. For payment of witnesses and jurors and phonographic reporters in territorial criminal cases in the district courts of this Territory for the years 1890 and 1891, or so much thereof as may be necessary.....	75000 00
	<i>Provided</i> , That the above amounts shall be drawn by the court commissioners of each district and paid out upon vouchers duly authenticated for services as jurors in territorial civil and criminal cases and for witnesses and phonographic reporters in criminal cases in which the Territory is liable as required by law.	
Proviso.	14th. For the expenses of the Territorial Insane Asylum for the years 1890 and 1891 one-half to be drawn in 1890 and one-half to be drawn in 1891, to be drawn on the order of the board of directors..	60000 00
Insane Asylum.	15th. For the completion of the Territorial Insane Asylum, according to the plans and specifications adopted by its board of directors, or so much thereof as may be necessary .....	163000 00
Same.	To be drawn on the order of the board of directors.	
	16th. To the Territorial Reform School for completing the same according to the plans and specifications adopted by the board of trustees or so much thereof as may be necessary.....	35000 00
Reform School.	To be drawn by the board of trustees.	
	17th. To the Agricultural College for the purpose of erecting buildings, improving and equipping the farm and furnishing the building, and for the purchase of additional land or so much thereof as may be necessary.....	33000 00
Agricultural College.	For current running expenses of said college for 1890 and 1891 or so much thereof as may be necessary .....	
Same, expenses of		15000 00
	<i>Provided</i> one-half of the last amount shall be drawn in 1890 and one-half in 1891, the same to be drawn on the order of the board of trustees.	
Proviso.	18th. To the Deseret Agricultural and Manufacturing Society to pay deficiency incurred in the erection of Fair Buildings .....	9167 42
D. A. & M. Society.	To the said Deseret Agricultural and Manufacturing Society for the purpose of erecting additional fair buildings according to the	
Same.		



plans and specifications adopted by the board of directors, or so much thereof as may be necessary to be drawn on the order of the board of directors.....		\$25050 00	
19th. To S. T. Whitaker for services as minute clerk of the House for the 29th session.....	300 00		Whitaker.
20th. To John H. Maughan for services during the 29th session.....	150 00		Maughan.
21st. To M. W. Mansfield assessor and collector of Piute County for relief on account of delinquent taxes for 1887 and 1888.....	35 64		Mansfield.
22nd. To A. E. Merriam assessor and collector of Sanpete County for relief on account of delinquent taxes for 1888 and 1889....	34 55		Merriam.
23rd. To William J. Clarke for fees as clerk of the Supreme Court of the Territory of Utah in territorial criminal cases for the years 1888 and 1889.....	110 50		Clarke.
24th. To A. Milton Musser for services acting as fish commissioners for Utah Territory for 1888 and 1889.....	700 00		Musser.
25th. To Gilbert R. Belknap sheriff of Weber County for attendance on the district court of the First Judicial by order of said court 330 days during the years 1888 and 1889 at \$3.00 per day.....	990 00		Belknap.
For attendance on said court in 1886 and 1887.....	207 00		
26th. To Thomas Fowler sheriff of Utah County for attendance on the district court of the First Judicial District by order of said court 220 days in the years 1888 and 1889 at \$3.00 per day.	660 00		Fowler.
27th. To Jesse Baldwin sheriff of Beaver County for attendance on the Second District Court by order of said court 141 days during the years 1888 and 1889 at \$3.00 per day.....	423 00		Baldwin.
28th. To Deseret News Company for payment of bill for incorporation record furnished the clerk of the Third District Court.....	15 00		Deseret News.
29th. To the Deseret News Company for blanks furnished the court commissioners.....	32 25		Same.
30th. To the Deseret News Company for payment of bill of records and criminal blanks furnished by the order of the clerk of the district court of the Second Judicial District.....	435 22		Same.
31st. To Geo. D. Barnard for books furnished the clerk of the Third District Court.....	83 75		Barnard.
32nd. To Kelly & Co. for payment of invoice of record books furnished the clerk of the court of the First Judicial District.....	275 00		Kelly & Co.

Star Printing Co.	33rd. To Star Printing Company for printing during the twenty-eight session of the legislature	\$ 3 25
History Co.	34th. To the History Company of San Francisco for invoice of books furnished the territorial library.....	30 00
Parry & Co.	35th. To J. H. Parry & Co. in payment of bill of printing for the territorial library.....	26 75
Barnard & Co.	36th. To Geo. D. Barnard & Co. for payment of invoice of file cabinets furnished the clerk of the Third Judicial District Court.....	475 00
McMillan.	37th. To H. G. McMillan for freight paid on file cabinets for the Third Judicial District Court..	42 38
Library.	38th. To Nephi W. Clayton, for books and sundry expenses for the territorial library as per report.....	115 68
Uintah County.	38½th. To Uintah County for relief on account of expenses incurred by said county in enforcing quarantine regulations to prevent the spread of diphtheria in 1889 .....	933 40
Boreman.	39th. To Jacob S. Boreman for school blanks printed by the Commercial Publishing Company per invoice .....	155 00
	For postage stamps and paper .....	16 00
Williams.	40th. To P. L. Williams ex-commissioner of district schools for blanks etc. used in his office in 1888 .....	109 00
Reports.	41st. For printing report of 1888.....	78 55
Lindsay..	42nd. To Martin S. Lindsay for clerical services rendered on the last day of the twenty-eighth session of the Legislature.....	5 00
First District Court	43rd. For the purchase of 120 file cases for the office of the clerk of the First Judicial District Court at Provo, or so much thereof as may be necessary.....	275 00
Uintah County.	44th. To Uintah County for the purpose of relieving William E. French sheriff of said county for fees and expenses incurred by him in criminal cases.....	257 25
Roads and bridges.	45th. To the counties hereinafter mentioned for the purpose of improving roads and bridges to be drawn on the order of the county courts of the respective counties as follows to wit:	-
	To Salt Lake County.....	2500 00
	“ Garfield County.....	1500 00
	“ Iron County.....	1000 00
	“ San Juan County.....	1000 00
	“ Piute County....	1500 00
	“ Kane County. ....	2500 00
	“ Morgan County....	1000 00
	“ Davis County.....	1000 00

To Utah County.....	\$ 2000 00	
“ Milliard County.....	2500 00	
“ Weber County.....	2500 00	
“ Beaver County.....	1500 00	
“ Emery County.. ..	2000 00	
“ Wasatch County.....	2000 00	
“ Sanpete County.....	2000 00	
“ Box Elder County.....	4000 00	
“ Uintah County.....	2000 00	
“ Summit County.....	2000 00	
“ Washington County .....	4000 00	
“ Cache County.....	2000 00	
“ Rich County.....	1000 00	
“ Juab County .....	2000 00	
“ Sevier County .....	3000 00	
“ Tooele County .....	1000 00	
46th. To Joseph A. Lyman assessor and collector of Millard County on account of taxes re- mitted by the county court of Millard County.	150 56	Lyman.
47th. To Peter O. Hallingreen for services as juror in 1887 in civil cases....	4 00	Hallingreen.
48th. To J. K. Fowler for services as juror in November 1886.....	10 00	Fowler.
49th. For deficiency of jurors in civil cases for the years 1886 and 1887 or so much thereof as may be necessary.....	2000 00	Jurors.
<i>Provided</i> , The above amount shall be drawn by the court commissioners and paid out on duly authenticated certificates of said jury service.		Proviso.
50th. To each of the judges of the district courts of this Territory as additional salary for 1890 and 1891, the same to be paid quarter yearly \$2000. Total.....	8000 00	District Judges.
51st. For salary of private secretary in the executive office for the years 1890 and 1891 \$1200 per annum.....	2400 00	Executive.
52nd. For the improvement of capitol grounds to be drawn by and expended under the super- vision of the capitol commission. ....	10000 00	Capitol Grounds.
<i>Provided</i> , that the above amount be ex- pended on condition that Salt Lake City furn- ish, free of charge sufficient water for said grounds and for the building proposed to be erected thereon.		Proviso.
53rd. To Joseph Stanford for balance due for salary as court commissioner.. ..	75 00	Stanford.
For reimbursing him for amount overpaid on jury certificates.....	19 39	

Matthews.	54th. To Alma Mathews for juror's services May term First Judicial District 1885.....	\$ 30 64
Thompson.	55th. To W. S. Thompson assessor and collector Garfield County for uncollectible taxes 1887, 1888 and 1889.....	86 22
King.	56th. To W. H. King ex-collector Millard County, for amount overpaid to the Territory taxes on transitory herds...	128 00
Pyper.	57th. To Geo. D. Pyper court commissioner in the Third Judicial District extra services 1888-1889.....	300 00
Nebeker.	58th. To W. A. Nebeker assessor and collector of Rich County for uncollectible taxes 1884 and 1887.....	19 12
Callister.	59th. To T. C. Callister ex-assessor and collector, Millard County, for uncollectible taxes for the year 1884.....	69 61
Auditor.	60th. To reimburse N. W. Clayton auditor for amount paid P. L. Williams, territorial school commissioner.....	750 00
Same.	61st. To N. W. Clayton rent of office for auditor three month at \$50 00 per month.....	150 00
Cummings.	62nd. To B. F. Cummings services as engrossing clerk 28th Session.....	6 00
Pratt.	63rd. To V. M. Pratt services engrossing clerk 28th Session.....	5 00
Willis.	64th. To George Willis services engrossing clerk 28th Session.....	30 00
Metcalf.	65th. To John W. Metcalf serving writs of commitment as per his bill to Territorial Reform School.....	24 00
Turner.	66th. To John W. Turner ex-sheriff Utah County attendance on First District Court 1888	171 00
Ivins.	67th. A. W. Ivins assessor and collector Washington County uncollectible taxes.....	109 63
Kilpack.	68th. To J. D. Kilpack assessor and collector Emery County, uncollectible taxes.....	148 90
Jones.	69th. To E. W. Jones ex-assessor and collector Emery County uncollectible taxes.....	136 16
Clark.	70th. To Wm. H. Clark ex-assessor and collector Sevier County uncollectible taxes.....	198 89
Clayton	71st. To N. W. Clayton for 500 copies of recorded marks and brands to date, to be distributed by the auditor to the several county courts for the use of justices of the peace and constables....	1000 00
	72nd. To the commissioners to locate University lands,	
University lands.	F. A. Mitchell.....	\$200 00
	I. M. Waddell.....	\$200 00
	R. A. Ballantyne.....	\$200 00
		600 00



73rd. To J. B. Morrison chaplain of the Council 29th Session .....	150 00	Morrison.
74th. To C. D. W. Fullmer minute clerk of the Council 29th Session.....	300 00	Fullmer.
75th. To Simmons and Stayner land attorneys, legal services for commissioners to locate Uni- versity lands. . . . .	500 00	Simmons and Stayner.
76th. Maintenance of Reform School, tools &c., for the years 1890 and 1891.....	50552 89	Reform School.
77th. Contingent expenses, executive office for 1890 and 1891.....	600 00	Executive con- tingent.
78th. Fees to clerk of Supreme Court of the Ter- ritory of Utah in territorial criminal cases 1890, 1891.....	300 00	Clerk Supreme Court.
79th. For territorial statistician one-half to be drawn in 1890 and one-half in 1891.....	500 00	Territorial statis- tician.
80th. To N. W. Clayton for distributing Compiled Laws of Utah Territory as per instructions of compilation committee.....	150 00	Clayton.
81st. For Deseret University, furnishing Univer- sity building.....	15000 00	University.
Miscellaneous .....	5000 00	
Finishing Deaf Mute building.....	35000 00	
Maintenance .....	20000 00	
82nd. To Geo. C. Lambert for printing for 29th session of Legislative Assembly as per bill rendered .....	1879 30	Lambert.
83rd. To claims of sundry persons for extra clerk hire at the 29th session of Utah Legislature viz J. E. Hansen.....\$ 5.50. P. P. Christensen..... 7.00. John Sholdbrand..... 5.50 Wallace Halladay..... 20.00 M. S. Lindsay.... 37.00 George Wiles..... 22.00	97 00	Clerks.
84th. To the territorial recorder of marks and brands for publishing at least quarterly the recorded marks and brands of Utah Territory, same to be distributed free of charge, through the county clerks, to the various justices of the peace and constables throughout the Territory, one-half to be drawn in 1890 and balance in 1891.....	500 00	Marks and Brands.
85th. To Secretary Elijah Sells for expense of committee rooms for Legislative Assembly 29th session.....	60 00	Secretary Sells.
86th. For sundry expenses of 28th session to be drawn on order of Robert C. Easton.....	65 00	Easton.
87th. For sundry expenses of 29th session to be drawn on order of S. F. Bal <sup>l</sup> ..... \$	15 00	Ball.

Territorial Institutions.

Sec. 2. That the moneys herein appropriated to the several territorial institutions for building purposes shall be subject to the warrants of the several respective boards of such institutions to the amount and in such sums as any such institution is entitled under the appropriation herein made, when the money or any part thereof derived from the sale of the territorial bonds provided for at this session of the legislature is in the territorial treasury, and the money derived from the sale of such bonds shall not be used for any other purpose than for the completion of the buildings of said institutions.

Approved March 13, 1890.

## CHAPTER XL.

### REVENUE.

AN ACT amending Sections 2008, 2012, 2013, 2023, 2027, 2030 and 2043 of the Compiled Laws of Utah of 1888 relating to Revenue, and enacting new sections to be numbered 2026a, 2026b, 2026c, 2026d, 2030a 2030b.

SECTION. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2008 of the Compiled Laws of Utah, 1888, is hereby amended to read as follows

Rate of taxation.

2008. That there is hereby levied and directed to be assessed and collected annually, beginning with the year 1890 an ad valorem tax on all taxable property in the Territory of Utah as follows: Two mills on the dollar, for territorial purposes, three mills on the dollar for district school purposes, such sums as the county courts of the several counties may designate for district school purposes in such counties not to exceed two mills on the dollar and such sums as the county courts of the several counties may designate for county purposes not to exceed three mills on the dollar.

Sec. 2. That Section 2012 of said laws is hereby amended to read as follows:

To whom assessed.

2012. s. 5. Property shall be assessed to the owner, if known; if the owner be unknown, then to an unknown owner. The tax shall attach to and constitute a lien on the property assessed, if real estate, from the thirty-first day of August of each year, and, if personal property, from the day of assessment. If the taxpayer own both real estate and personal taxable property, the tax on personal property shall also be a lien on the real estate. In each and every case the lien shall be paramount to all other liens whatsoever, and it shall not be removed therefrom until the tax is paid or until the title vests thereto, under a sale thereof, by virtue of proceedings to enforce payment of the tax.

Liens.

Sec. 3. That Section 2013 of said laws is hereby amended to read as follows:

2013 s. 6. In assessing real estate it shall be described with reasonable certainty as to locality and quantity, according to the maps or plats herein provided for. It shall be sufficient in towns and cities to give the number of the lot, block, and plat, and on other lands the approximate area within the section, or other legal subdivision thereof and the township and range in which it is situated. The real estate and improvements thereon shall be assessed and listed separately.

Assessment of real estate.

Sec. 4. That section 2023 of the Compiled Laws of Utah of 1888 is hereby amended to read as follows:

2023. s. 16. Each and every taxpayer shall make a written statement upon a blank form to be furnished him by the assessor of all taxable property owned by him or of which he has control, or custody as agent trustee or otherwise which statement must be verified under oath by such taxpayer as to its correctness. The assessor may leave at the residence or place of business of any taxpayer a blank form of statement requiring the taxpayer to fill out and return the same to the assessor within twenty days from date of service; and any person, corporation, firm, or association furnished with said blank form must return the same to the assessor, duly verified under oath, as to its correctness, and upon any neglect or refusal to make or return the statement, herein provided for, the assessor must note the refusal or neglect on the assessment book opposite the taxpayers name, and must make an estimate of the value of the property of such person, and the value so fixed by the assessor must not be reduced but may be increased by the board of equalization. The county court shall furnish to the assessor a suitable book or books, conveniently ruled and headed, for designating the property to be assessed, which shall constitute the assessment roll

Taxpayers to make written statement.

Refusal or neglect.

County court to furnish books.

Sec. 5. That a new section numbered 2026a, is hereby enacted as follows:

Sec. 2026a. Any property wilfully concealed, removed, transferred, or misrepresented by the owner or agent thereof, to evade taxation, upon discovery, must be assessed at double its value

Misrepresentation.

Sec. 6. That a new section numbered 2026b is hereby enacted as follows:

2026b. Any property discovered by the assessor to have escaped assessment for the last preceding year through the fraud or wilful neglect of the taxpayer, if such property is in the ownership or under the control of the same person who owned or controlled it for such preceding year shall be assessed for the year in which discovery is made at double its value.

Unassessed property.

Sec. 7. That a new section numbered 2026c is hereby enacted as follows:

Liability of  
assessor.

2026c. The assessor and his sureties shall be liable on his official bonds for all taxes on property within or known to the assessor to be assessable within the county, which through his wilful failure or neglect is unassessed, or which has been by him wilfully assessed at less than the cash value.

Sec. 8. That a new section numbered 2026d is hereby enacted as follows :

Duty of prosecu-  
ting attorney.

2026d. The prosecuting attorney of the respective counties must, after the assessor completes the assessment book for the year, commence an action on the assessor's bond for the amount of taxes which it may come to his knowledge have been lost from such wilful failure or neglect to assess taxable property and from assessing property at less than cash value.

Sec. 9. That Section 2027 of said laws is hereby amended to read as follows :

Duty of county  
court.

County clerk.

Collector.

Board of Equaliza-  
tion.

2027. The county court of each county shall on the return of the assessment roll appoint a time to hear complaints, determine the assessor's and collector's compensation, also determine the rate per cent of the county tax for the current year. The clerk of the county court shall, within twenty days after receipt of the assessment roll, set the amount of tax in the proper column, opposite the name or description of property and furnish the collector with said assessment roll. On receipt of the assessment roll from the clerk, the collector shall furnish to each taxpayer, by mail, postage prepaid, or leave at his residence or usual place of business, if known, a notice of the amount of tax assessed against him and of the day fixed by the board of equalization for hearing complaints, which notice shall be mailed at least ten days before the first day of hearing, and return said assessment roll to the county court, who shall constitute a board of equalization and shall have power to determine all complaints made in regard to assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom. Upon the hearing of complaints the board may subpoena and administer oaths to witnesses and hear and take such evidence in relation to the subject pending as in its discretion it may deem proper. And if the board of equalization shall find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct the clerk to give notice to the persons interested by letter, postage prepaid, deposited in the post-office or otherwise, naming the day when they shall act in the case, and allowing a reasonable time for such party to appear.

Remission of tax.

During the session of the board the assessor shall be present, and shall have liberty to make any statement touching questions before the board. The board may remit or abate the taxes of any insane idiotic, infirm or indigent per-



son to an amount not exceeding ten dollars for the current year.

The county court must provide maps for the use of the assessor, showing the private lands owned or claimed in the county and the divisions and subdivisions of the survey and maps of cities, towns and school district must in like manner, be provided, and a duplicate set of maps for the collector where the office is separate. The cost of making such maps shall be borne equally by the county and Territory. Maps.

It shall be sufficient in the case of the assessment of property to any corporation, company, firm or association, to address such notice to the president, cashier, superintendent, manager or agent of the corporation, company, firm or association assessed, at its principal place of business.

Sec. 10. That section 2030 of said laws is hereby amended to read as follows:

2030. s. 19. On receipt of the duplicate roll with warrant attached, from the clerk of the county court, the collector shall proceed to collect the taxes and shall furnish to each taxpayer, or leave at his residence or usual place of business, if known, a notice of the amount of tax assessed against him and when and where payable, and any and all taxes remaining unpaid after the thirty-first day of October of each year shall be delinquent. Collections.

Sec. 11. That a new section numbered 2030a is hereby enacted as follows:

2030a. The collector shall on or before the first day of December of each year publish in alphabetical order a delinquent tax list showing the amount of territorial school and county and special district school taxes assessed against each delinquent in his county. Said list must be published for the period of ten days in a newspaper having a general circulation in the county. On the third Monday of December of each year the collector shall expose for sale sufficient of such delinquent's real estate, *Provided*, that the personal taxable property of such delinquents has been first exhausted by a levy and sale and for that purpose the tax on the real estate is made a lien on the personal property to pay the taxes and costs, at public auction at the front of the county court house and sell the same to the highest responsible bidder for cash, and the collector shall continue to sell from day to day until the property of such delinquents is exhausted or the taxes and costs paid. The collector shall receive costs as follows: Sale. For each certificate of sale, per folio, twenty-five (25) cents. For publishing the name and amount of taxes due from each delinquent one (1) dollar. For filing certificate for tax sale with the county recorder fifty (50) cents. Compensation.

Sec. 12. That a new section numbered 2030b, is hereby enacted as follows:

2030b. Where personal taxable property only is assessed,

**Levy.** and the tax becomes delinquent, it shall be the duty of the collector to levy upon enough of the personal property to pay the taxes and costs and proceed to sell the same as hereinafter provided.

**Notice.** That he shall give notice of the time and place of sale and the kind of property to be sold, by posting notices of said sale in not less than three public places, one of which shall be posted in the precinct in which the taxpayer resides. Said notices shall be posted not less than ten days prior to said sale.

**Fees.** The collector shall be entitled as costs to the same fees as a sheriff or constable for like services.

**Certificate.** The collector shall issue to the purchaser a certificate of sale, reciting the facts therein, which said certificate shall vest the title in said purchaser. Collections made under the provisions of Section 2026 of the Compiled Laws of Utah of 1888 shall be at the rate per cent of the previous year. Whenever property shall be sold for taxes the amount, if any, remaining over and above the tax and costs shall be paid into the county treasury, subject to the order of the person whose property was sold.

Sec. 13. That Section 2043 of said laws is hereby amended by adding thereto two subdivisions numbered 11 and 12 as follows:

**Terms defined.** 11. The terms value and fair cash value mean the amount at which the property would be taken in payment of a just debt due from a solvent debtor.

12. The term credits means those solvent debts owing to the person, firm, corporation or association assessed. The term debts means all liabilities owing by the person, firm, corporation or association.

Sec. 14. This act shall take effect upon its approval.

Approved March 13, 1890.

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## CHAPTER XLI.

### MUNICIPAL CHARTERS.

AN ACT supplementing and amending the charters, and defining, prescribing and regulating the powers, duties and government of cities of the first and second class.

**Streets, etc.** SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the city council of each city of the first and second class in the Territory of Utah, shall have the following powers: To lay out, establish, open, alter, extend, widen, and improve streets, alleys, avenues, sidewalks, parks and public grounds and vacate the same; and to grade, curb and gutter, park and beautify or otherwise improve and keep in good repair, or cause the same to be done

in any manner they may deem proper, any park, street, avenue, or alley within the limits of the city, and may grade partially or to the established grade, or park or otherwise improve any part of such street avenue or alley, and may also construct and repair, or cause and compel the construction and repair of sidewalks in such city, of such material, and in such manner as they may deem proper and necessary; and to defray or cause to be defrayed the cost and expense of such improvements or any of them, the council of such city, shall have power and authority to levy and collect special taxes and assessments upon the blocks, lots or parts thereof, and pieces of ground adjacent to or abutting upon the street, avenue, alley or sidewalk thus in whole or in part opened widened, curbed and guttered, graded, parked, extended, constructed or otherwise improved or repaired, or which may be especially benefitted by any of said improvements; provided that the above provisions shall not apply to ordinary repairs of streets or alleys and one-half of the expense of bringing streets, avenues, alleys or parts thereof to the established grade shall be paid out of the general fund of the city; and such council shall have power to pave, repave or macadamize any street or alley, or part thereof in the city, and for that purpose to create suitable paving districts, which shall be consecutively numbered, such work to be done under contract, and under the superintendence of the board of public works of the city.

The cost of paving, macadamizing or repaving of the streets and alleys within any paving district, except the intersection of streets and space opposite alleys within such district, shall be assessed upon the lots and lands abutting upon the streets and alleys in such district, in proportion to the square feet or feet front or both so abutting upon such streets and alleys. The assessments of special taxes for paving purposes herein provided for, shall be made as follows:

The total costs of the improvements shall be levied at one time upon the property and become delinquent as herein provided:

One-tenth (1-10) of the total amount shall be delinquent in fifty days after such levy, one-tenth (1-10) in one year, one-tenth (1-10) in two years, one-tenth (1-10) in three years, one-tenth (1-10) in four years, one-tenth (1-10) in five years, one-tenth (1-10) in six years, one-tenth (1-10) in seven years, one-tenth (1-10) in eight years, and one-tenth (1-10) in nine years; each of said instalments, except the first shall draw interest at the rate of seven per cent. per annum from the time of levy aforesaid, until the same shall become delinquent, and after the same shall become delinquent, interest at the rate of 10 per cent. per annum shall be paid thereon. Such taxes shall be collected and enforced as in other cases of special taxes. In cases of omission, errors or mistakes, in making such assessment or levy in respect of the total cost of the improvements, or



Supplemental  
assessment.

Street railways.

deficiencies or otherwise, it shall be competent for the council to make a supplemental assessment and levy to supply such deficiencies and omissions, errors or mistakes. The cost of paving, macadamizing or repaving the intersections of streets and space opposite alleys in any paving district, shall be paid by the city as hereinafter provided; but nothing herein contained shall be construed to exempt any street railway company from keeping every portion of every street, avenue and alley used by it, upon or across which its track shall be constructed at or near the grade of such streets in good and safe condition for public travel and shall keep the same plank-paved, macadamized or otherwise in such condition for public travel as the city council of such city may from time to time direct, keeping the plank-pavement or other surface of the street or alley level with the top of the rails of the track of such street railway. The portions of the streets or alleys to be so kept and maintained by all such street railway companies shall include all the space between its different rails and tracks and also a space outside of the outside rail of each outside track of at least two feet in width and the tracks herein referred to shall include not only the main tracks, but also all side tracks, crossings and turnouts, constructed for the use of such street railways.

Unused tracks.

If any company shall have laid tracks upon the streets or highways of any city and failed to operate them with cars for public use for the period of nine months after the laying thereof, such tracks may be declared a nuisance and taken up by the city and removed.

District paving  
bonds.

For the purpose of paying the cost of paving, macadamizing or repaving the streets and alleys in any paving district, exclusive of the intersections of streets and space opposite alleys therein, the council shall have power, and may by ordinance cause to be issued bonds of the city, to be called "District Paving Bonds of District No. \_\_\_\_\_" payable in not exceeding ten years from date, and to bear interest payable annually, not exceeding the rate of 6 per cent. per annum, with interest coupons attached, and in such case shall also provide that said special taxes and assessments shall constitute a sinking fund for the payment of said bonds and interest, and said bonds shall not be sold for less than their par value, provided that the entire cost of paving, repaving or macadamizing any such streets, avenues or alleys, properly chargeable to any blocks, lots of lands or part thereof within any such paving district according to the front feet or square feet thereof may be paid by the owner of such lots or lands within fifty days from the levy of such special taxes and thereupon such lots or lands shall be exempt from any lien or charge therefor.

Whenever the council deem it expedient, they shall have power, for the purpose of paying the cost of paving, repaving or macadamizing the intersection of streets and spaces oppo-



site alleys in the city, to issue bonds of the city, to run not more than twenty years, and to bear interest payable semi-annually at a rate not exceeding six per cent. per annum, with coupons attached, to be called "paving bonds," and which shall not be sold for less than their par value, and the proceeds of which shall be used for no other purpose than paying the cost of paving, repaving or macadamizing the intersections of streets and alleys in the city. *Provided*, That the aggregate amount of such bonds issued in any one year shall not exceed the sum of one hundred thousand dollars (\$100,000); and if in any such city there shall be any real estate not subject to assessment of special taxes for paving purposes, the council shall have the power to pave in front of the same and to pay the cost thereof that would otherwise be chargeable on such real estate, in the same manner as herein provided for the paving of intersection of streets and paying therefor. The word "lot" as in this act used shall be taken to mean any sub-divided real estate.\* The word "lands" shall mean any unsubdivided real estate. The word "street" shall be deemed to include boulevard and avenue.

City paving bonds.

Limit.

*Provided*, That if the lots and real estate abutting upon that part of the street ordered paved, repaved or macadamized as shown upon any such recorded plat or map are not of uniform depth, or if for any other reason it shall appear just and proper to the council, the council are authorized and empowered to determine and establish the depth to which the real estate shall be charged and assessed with the cost of the improvement, and such depth shall be determined and established according to the benefits accruing to the property by reason of the improvement. The council shall include in the paving district all the real estate to be benefitted by such improvement and shall cause it to be charged and assessed with the cost of such paving or improvement as in this section hereinafter provided. The provisions of this section in regard to the depth to which real estate may be charged and assessed, shall apply to all special taxes that may be levied, except for sidewalk in proportion to the front or square feet. Whenever curbing, or curbing and guttering is done upon any street or avenue in any paving district in which paving has been ordered, and the council shall deem expedient so to do, they shall have power and authority, for the purpose of paying the cost of such curbing and guttering to cause to be issued bonds of the city, to be called "Curbing and Guttering Bonds of Paving District No.———" payable in not exceeding ten years from date, and to bear interest payable annually, not exceeding the rate of six per cent. per annum with interest coupons attached, and in such case, shall assess at one time the total cost of such curbing and guttering, or curbing as the case may be, upon the property abutting or adjacent to the portion of the street or avenue so improved,

Depth of assessable property.

Curbing and guttering bonds.

Protests.

Collector to report.

Burden of proof.

Board of equalization.

Notice.

according to special benefits; such assessment to become delinquent the same as the assessment of special taxes for paving purposes, and to draw the same rate of interest and be subject to the penalties, and may be paid in the same manner as special taxes for paving purposes, and the special taxes so assessed shall constitute a sinking fund for the payment of said bonds and interest, and said bonds shall not be sold for less than their par value; and no such special tax shall be declared void, nor shall any such assessment or part thereof, be set aside in consequence of any error or irregularity committed or appearing in any of the proceedings under this act or the acts of which it is amendatory; but any party feeling aggrieved by any such special tax or assessment or proceeding may pay the said special taxes assessed or levied upon his, her or its property or such instalments thereof as may be due, at any time before the same shall become delinquent, under protest, and with notice in writing to the city collector that he intends to sue to recover the same, which notice shall particularly state the alleged grievance and grounds thereof, whereupon such party shall have the right to bring a civil action within sixty days thereafter, and not later, to recover so much of the special taxes paid as he shall show to be illegal, inequitable and unjust, the cost to follow the judgment to be apportioned by the court as may seem proper, which remedy shall be exclusive. The city collector shall promptly report all such notices to the city council for such action as may be proper. No court shall entertain any complaint that the party was authorized to make, and did not make to the city council sitting as a board of equalization, nor any complaint not specified in said notice fully enough to advise the city of the exact nature thereof; nor any complaint that does not go to the groundwork equity and justice of the tax. The burden of proof to show such tax or part thereof invalid, inequitable or unjust, shall rest upon the party who brings such suit.

*Provided*, that the city council shall provide by ordinance, that upon the levying of any tax under the provisions of this act and the completion of the list or lists of the property in any of the districts taxed, five of its members shall be appointed as a board of equalization and review, and the list or lists shall be placed in the hands of said board, and the said board shall give public notice of the completion of the said lists and appoint not less than five consecutive days upon which they will meet during the usual business hours and state the place of its meeting, and during the time specified the said list or lists shall be open to public inspection, and any person or persons feeling themselves aggrieved shall have hearing before said board, and the said board shall have the authority to make correction of any tax deemed by them unequal or unjust.

Sec. 2. All horse, cable, steam, electric or other railway

companies now existing or hereafter created in any city already incorporated or hereafter organized shall be required to pave or repave at their own cost all the space between its different rails and tracks and also a space two feet wide outside of the outside rails of the outside tracks, and the tracks herein referred to shall include not only the main tracks but also all side-tracks, crossings and turnouts used by such companies, and where two or more companies occupy the same street or alley with separate tracks, then each company shall be responsible for its proportion of the surface of the street or alley occupied by all the parallel tracks as herein required. Such paving or repaving by such railway companies shall be done at the same time and shall be of the same material and character as the paving or repaving of the streets or alleys upon which said railway track or tracks is located, unless other material be specially ordered by the board of public works.

Railways to pave.

Such railway companies shall be required to keep that portion of the street which they are herein required to pave or repave in good and proper repair, using for said purpose the same material as the street upon which the track or tracks are laid at the point of repair or such other material as the board of public works may require and order; and as streets are hereafter paved, or repaved, street railway companies shall be required to lay, in the best approved manner, a rail to be approved by the board of public works. The tracks of all railway companies, when located upon the streets or avenues of the city shall be kept in repair and safe in all respects for the use of the traveling public, and said companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets or avenues of such city. For injuries to persons or property arising from the failure of such company to keep their tracks in proper repair and free from obstructions, such company shall be liable and the city shall be exempt from liability. The word "companies" as used in this act shall be taken to mean and include any persons, companies, corporations or associations owning or operating any street or other railway in any such city.

Repairs.

Liable for injuries.

Sec. 3. In the event of the refusal of such company to pave, repave or repair as required in the foregoing sections, when so directed by the council, upon the paving or repaving of any street upon which their track is laid, the council shall have power to pave, repave or repair the same and the cost and expense of such paving, repaving or repairing may be collected by levy and sale of any property of said street railway company, in the same manner as special taxes are now or may be collected. Special taxes for the purpose of paying the cost of any such paving or repaving, macadamizing or repairing of any such street railway, may be levied upon the track, including the ties, iron, roadbed, and right of way, side-tracks, and appurtenances, including buildings and real estate belonging

Refusal to pave.

Railroads may be taxed.



- to any such company or person and used for the purpose of such street railway business, all as one property; or upon such parts of such track, appurtenances and property or any part thereof as may be within the district paved, repaved, macadamized or repaired, and shall be a lien upon the property levied upon from the time of the levy until satisfied. No mortgage, conveyance, pledge, transfer, or incumbrance of any such property or of any rolling stock or personal property of any such company or person, created or suffered by a company or party, after the time when any street or part thereof upon which any street railway shall have been laid, shall have been ordered paved, repaved, macadamized or repaired, shall be made or suffered except subject to the lien of such special taxes, if such levy be in contemplation. The city collector shall have the power and authority to seize any personal property belonging to any such person or company for the satisfaction of any such special taxes when delinquent, and to sell the same upon advertisement and in the same manner as constables are now or may be authorized to sell personal property, upon execution at law; but failure so to do, shall in no wise affect or impair the lien of the tax or any proceeding allowed by law for the enforcement thereof. The railroad track or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which such special taxes may be levied, may be sold.
- It shall also be competent for any such city to bring a civil action against any party owning or operating any such street railway, and liable to pay said taxes, to recover the amount thereof, or any part thereof delinquent and unpaid in any court having jurisdiction of the amount, and obtain judgment, and have the execution therefor and no property, real or personal, shall be exempt from any such execution.
- Provided*, that real estate shall not be levied upon by execution except by execution out of the district court on the judgment therein, or transcript of judgment filed therein, as is now or hereafter may be provided by law. No defence shall be allowed in any such civil action except such as goes to the groundwork, equity and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust and inequitable, judgment shall be rendered for such amount, as is just and equitable. It shall be competent for the counsel upon the written application of any company, association, corporation or person, owning any such street railway, to provide that such special taxes shall become delinquent and be payable in installments, as in case of taxes levied upon abutting real estate as hereinafter provided, but such application shall be taken and deemed a waiver of any and all objec-
- Lien.
- Seizure.
- Sale.
- Civil action.
- Levy on real estate.
- Defence.
- Installments.



tions to such taxes and the validity thereof. Such application shall be made at or before the final levy of such taxes. The provision of this act in regard to the levy, collection, and enforcement of special taxes to pay the costs of paving, repaving, macadamizing or repairing between the rails of street railways shall apply to such special taxes hereafter levied. Time for Application.

Sec. 4. The council shall have power, in any paving district, and it shall be their duty before the work of paving or repaving is done therein, to require water, gas and sewer connections to be made under such regulations and at such distances from the street mains to the line of the property abutting upon the street ordered paved or repaved, as may be prescribed by ordinance and shall require that such water-pipe connections may be made by any water works company owning the waterpipe main, and that such gas pipe connections may be made by any gas pipe company owning the gas pipe main. And upon neglect or failure of the water or gas companies to do the same, the board of public works may cause the same to be done, and the cost thereof shall be deducted from any indebtedness of the city to such companies, and no bills shall be paid to the said companies by the city until all such expense for pipe laying shall have been liquidated. And the council shall also have power, at any time, to assess the cost of any sewer connections and also of any water connections when the city owns the water and water pipe main upon the property opposite such connections, and to such depth as the council, sitting as a board of equalization, shall deem just and equitable. Laying of pipes.

Sec. 5. All special taxes to cover the cost of any public improvement herein authorized shall be levied and assessed on all blocks, lots, parts of blocks and lots, lands and real estate bounding, abutting or adjacent to such (improvements or within the districts created for the purpose of making such improvement, to the extent of the benefits to such) lots, parts of lots, lands and real estate by reason of such improvement such benefits to be equal and uniform. Such assessments may be according to the square foot or foot frontage, and may be pro-rated and scaled back from the line of such improvement and an allowance made for corner lots so that they shall not be assessed at full rate on both streets, according to such rules as the board of equalization shall consider fair and equitable; and all such assessment and finding of benefits shall not be subject to review in any legal or equitable action, except for fraud, gross injustice or mistake. *Provided*, That when any public improvement shall extend into or through any unsub-divided tract or parcel or parcels of land, said taxes shall be levied so as not to be charged against the real estate adjoining such improvement for a greater depth than the average distance through the sub-divided real estate to be taxed for said purpose. Neglect or failure.

Area of taxable property.

Assessment of corner lots.

Description.

Sec. 6. It shall be sufficient, in any case, in making a levy or assessment of any tax, to describe the lot or piece of ground as the same is platted and recorded, although the same may belong to several persons; but in case any lot or piece of ground belongs to different persons, the owner of any part thereof may pay his proportion of the tax on such lot or piece of ground, and his proper share may be determined by the city collector.

Costs.

Sec. 7. The cost and expense of grading, filling, culverting, curbing, guttering, or otherwise improving, constructing or repairing streets, avenues, alleys and sidewalks at their intersections, may be included in the special tax levied for the construction or improvement of any one street, avenue, alley or sidewalk, as may be deemed best by the council.

Special taxes.

Sec. 8. Special taxes may be levied as the improvements are completed in front of or along, or upon any block or lot or part thereof or piece of ground, or at the time the improvement is entirely completed, or otherwise, as shall be provided in the ordinance levying the tax.

Collection.

Sec. 9. When any special tax is levied it shall be the duty of the city recorder to deliver to the city collector a certified copy of the ordinance levying such tax, and such collector shall without delay give at least five days notice in one or more newspapers having general circulation in said city, of the time when such tax will become delinquent.

Sewers and drains.

Sec. 10. Special taxes may be levied by the council for the purpose of paying the cost of constructing or reconstructing sewers or drains within the city; such taxes to be levied on the real estate lying and being within the sewerage district in which such sewerage or drain may be situated, to the extent of the benefits to such property, by reason of such improvement, the benefits to such property to be determined by the council, sitting as a board of equalization.

Levy.

*Provided*, that in cases where the council sitting as such board of equalization, shall find such benefits to be equal and uniform, such levy may be according to the front feet or square feet of lots or real estate within said sewerage district or according to such other rule as the council sitting as such board of equalization may adopt for such distribution or adjustment of such cost upon the lots or real estate in such district benefitted by such improvement; and all taxes or assessments made for sewerage or drainage purposes shall be collected in the same manner as other special assessments, and shall be subject to the same penalty.

Board of public works.

Sec. 11. There shall be in each city of the first class a board of public works which shall consist of five members, residents and freeholders of the city, to be appointed by the council before the first Monday of July, 1890, for the term of two years. The council shall designate one of the members of such board to be the chairman thereof. The

salaries of the members of such board of public works shall be fixed by ordinance and the salary of the chairman shall not exceed fifteen hundred (\$1,500) dollars per annum and the salary of each of the other members shall not exceed the sum of five hundred (\$500) dollars per annum. Each member of said board shall, before entering upon the discharge of his duties, take an oath to faithfully discharge the duties of his office, and enter into a bond to such city with two or more good and sufficient sureties, to be approved by the council, the bond of the chairman to be in the sum of fifteen thousand (\$15,000) dollars, each conditioned for the faithful performance of his duties as a member of such board of public works.

Salaries.

Bonds.

The chairman of such board shall devote all necessary time to the performance of his official duty, and no member of such board shall ever be directly or indirectly interested in any contract entered into by them on behalf of such city, nor shall he be interested either directly or indirectly in the purchase of any material to be used or applied in or about the use or purposes contemplated by this act. It shall be the duty of such board of public works, and it shall have power to make contracts on behalf of the city, for the performance of all such work and the erection of all such improvements as may be ordered by the council, but all such contracts shall be subject to the approval or rejection of the council; to superintend the performance of all such work and the erection of such improvements, except the supervision of the construction of city halls, market houses, jails or other public buildings. It shall also be the duty of said board to approve the estimates of the city engineer which may be made from time to time, of the value of work as the same may progress; to accept any work done or improvement made, when the same shall be fully completed according to contract, subject, however, to the approval of the council, and to perform such other duties as may be devolved upon them by ordinance. Any member of such board may at any time be removed from office by a vote of two-thirds of the members of the council, for sufficient cause and the proceedings in that behalf shall be entered in the journal of the council. *Provided*, that the council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him at least ten days previous to the time so assigned and opportunity to be given him to make his defense.

Duties and powers of Board.

Removal.

Sec. 12. Nothing in this act shall be so construed or held to authorize any city of the "first or second class," to issue bonds of the city either as district bonds, for paving the streets, or for paving said street intersections, or spaces opposite alleys in said city or for any purpose whatever to any

Limitation.



amount beyond that fixed as the limit of the bonded indebtedness, of said city by congressional enactment.

Sec. 13. In all cases before the levy of any taxes for any improvements provided for in this act the city council shall give notice of intention to levy said taxes naming the purposes for which the taxes are to be levied, which notice shall be published at least twenty days in a newspaper published within such city. Such notice shall describe the improvements so proposed, the boundaries of the district to be affected or benefited by such improvements; the estimated cost of such improvements and designate the time set for such hearing. If at or before the time so fixed written objections to such improvements signed by the owners of one-half of the front feet abutting upon that portion of the street, lane, avenue or alley to be so improved be not filed with the recorder the council shall be deemed to have acquired jurisdiction to order the making of such improvements.

Sec. 14. This act shall take effect on the first day of May, one thousand eight hundred and ninety.

Approved March 13, 1890.

## CHAPTER XLII.

### ASSESSING AND COLLECTING TAXES.

AN ACT to provide for the Assessing and Collecting of Taxes on Transient Stock.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* Where horses, mules, cattle or sheep, are wintered in one county and summered in another, when the owner thereof is not a resident of either county, the tax on said stock may be assessed and collected in either of said counties. The county court of the county where such taxes shall have been assessed and collected, shall upon application therefor, remit to the county treasurer of such other interested county, one-half of the county taxes so collected, after deducting therefrom the cost of assessing and collecting the same.

Where tax on transient stock is collectible.

Sec. 2. Where horses, mules, cattle, or sheep, are owned in one county and summered in the county where owned, and taken into another county to be wintered before such time as they can be assessed in the county where owned, the assessor of the county, in which said horses, mules, cattle or sheep are transient, shall list the same on a listing blank, and transmit said list to the assessor of the county in which said stock are owned, who shall at once assess said stock, and enter said assessment on the assessment roll of said county, and assess a special school tax against said stock which may have been levied in the school district in which said stock are owned, and

Tax payable in county where stock is owned.



the same shall be collected by the collector of the county in which said stock are owned.

Sec. 3. Where horses, mules, cattle, or sheep, are owned in one county and wintered in the county where owned, and taken into another county before being assessed in the county where owned, the assessor of the county in which said horses, mules, cattle or sheep are transient, shall list the same on a Same. listing blank, and transmit said list to the assessor of the county in which said stock are owned, who shall at once assess said stock, and enter said assessment on the assessment roll of said county, and assess any special school tax against said stock which may have been levied in the school district in which said stock are owned, and the same shall be collected by the collector of the county in which said stock are owned.

Sec. 4. A list of all assessments made by the assessors of other counties in accordance with the provisions of this act shall be made by the assessors of the various counties, to whom the same has been transmitted, immediately upon the completion of the assessment roll, and deposited with the county Assessment lists. clerks of their several counties, and upon the payment of said tax by the owner of said horses, mules, cattle or sheep, the county court of the county in which said stock are owned, shall cause to be transmitted to the county treasurer of the county in which said listing was made, one-half of the county tax so collected, together with the percentage for assessing on the entire amount.

Sec. 5. The county clerks of the several counties are hereby authorized to issue certificates, under the seal of their respective courts, to the owners of stock in their several counties who summer or winter their stock in the counties in which they are residents, and winter or summer them in other County clerks to issue certificates to stockowners. counties in this Territory, reciting said facts, which certificates shall be produced by the owner of said stock, or the person in charge thereof, for the inspection of the assessor of the county in which said stock are wintered or summered, as the case may be, to entitle them to the benefits of this act.

Sec. 6. Where horses, mules, cattle or sheep are assessed in the county in which the owner of said stock is a resident, the assessor of said county is hereby authorized, at the time of said assessment, to make and deliver to said owner a certificate Assessors' certificate. of said assessment, which certificate upon being delivered to any assessor shall exempt said stock from further assessment.

Sec. 7. All laws conflicting with the foregoing act are hereby repealed.

Sec. 8. This act shall take effect upon its passage and approval.

Approved March 13, 1890.

## CHAPTER XLIII.

## BUREAU OF STATISTICS.

## AN ACT creating a Bureau of Statistics.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That a bureau of statistics is hereby created, and the territorial librarian is hereby made the territorial statistician, who shall receive an annual salary of six hundred dollars in addition to his salary as territorial librarian, which salary shall be paid quarter-yearly in equal proportions, out of the territorial treasury.

Territorial statistician.  
Salary.

Sec. 2. It shall be the duty of the territorial statistician, on or before the first day of January of each year, to prepare and cause to be furnished to the county clerks of the several counties for delivery to the county assessors, suitable blank forms for the collection of statistics as hereinafter provided by this act.

Duties.

Sec. 3. The several county assessors and their deputies, of this Territory, shall at the time of taking the lists of property for taxation, procure from each person required to list property in their county a statement of the number of acres he has had under cultivation during the preceding year, the number of acres irrigated, the number of acres he has had under enclosure for pasture, the kinds of crops and the respective acreage thereof, the amount of product of each respective crop during the preceding year; number of gallons made of wine, cider, vinegar and sorghum; number of pounds made each of butter, cheese, honey and dried fruits of each kind respectively; number of hives of bees; number of pounds of wool shorn; the number each of milch cows, cattle, horses, mules, asses, sheep, goats, and swine over six months old, owned on the 31st day of December of the preceding year.

Duties of county assessors.

Sec. 4. The statement required by Section 3 of this act shall be signed by the person making it and he shall be required by the assessor or deputy assessor to swear to the same before him, who is hereby authorized to administer the necessary oath, which shall be in substance as follows: I—do hereby solemnly swear (or affirm) that the above schedule contains a full and correct statement concerning all the matters and things therein inquired of me to the best of my knowledge and belief."

Oath.

Sec. 5. Any person who is required by this act to give information and refuses, upon proper request so to do shall be subject to a penalty of not less than five dollars nor more than two hundred dollars to be recovered by suit in any court of competent jurisdiction upon complaint of any person before

Penalty for refusal to furnish information

such court and it shall be the duty of the district or county attorney of the proper county to prosecute such suit at the expense of the county for the use of the school fund of such county.

Sec. 6. Each county assessor shall accurately compile, foot up and return to the county clerk of his county at the time when he returns the assessment rolls, a tabulated statement of the statistics mentioned in Section 3 of this act; he shall also add to such compilation and return to the county clerk of his county at the same time a carefully tabulated estimate for the preceding year of the amount that has been expended in each town and city in his county and throughout his county for buildings, private and public respectively amount expended for public works, the number and kinds of industrial concerns with the number of people employed and the amount of wages paid, the value of their plants, the amount and value of their annual product, horse power employed, how acquired whether by steam, water or other means, capital invested the number of stores of each kind respectively in each town, city and county, capital invested, amount of annual sales, number of employes, wages paid, population of each town and city in his county and the population of his county. The assessors and their deputies shall receive such compensation for the services herein required as the county courts may determine. And each county clerk shall without delay forward such tabulated statements and estimates to the territorial statistician, who shall compile the same and on or before the first day of October transfer them to the secretary of the Territory. The territorial statistician shall also and at the same time furnish the secretary further statistics of the Territory showing the number of miles of railway main lines and sidings, miles of street railway and kinds of motive power with mileage of each, number of companies engaged in each kind of mining, capital invested, number of hands employed, amount of wages paid, annual output in tons and value, number of smelters and stamping mills, average cost of reducing ores, number of hands employed, wages paid, tons reduced, and number of, nature and capital of all new business enterprises and incorporations of the preceding year, also the selling prices in the principal markets of the Territory of the various kinds of produce, fruits stock, annual products and leading articles manufactured in this Territory. And the secretary of the Territory shall cause to be printed on or before the first day of December in each year, of the compiled statistics received from the territorial statistician five thousand copies for distribution by himself and the statistician, a reasonable number thereof to be given to the various chambers of commerce and kindred organizations and each county of the Territory.

Assessor's statements.

Compensation.

Additional statistics.

Printing and distribution.

Approved March 13, 1890.



## CHAPTER XLIV.

## TERRITORIAL BONDS.

AN ACT providing for the issuing and disposing of Territorial Bonds.

SECTION 1. Whereas, for the purpose of completing the buildings for public institutions already established, namely the Agricultural College at Logan, the Reform School at Ogden, the University and Deaf Mute Institute, the buildings of the Deseret Agricultural and Manufacturing Society at Salt Lake City and Asylum for the Insane at Provo, all of which are incomplete, and whereas the current revenue of the Territory is insufficient for the purposes named, Therefore

*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah* That the governor shall nominate, and by and with the advice and consent of the Legislative Council appoint five persons who shall constitute a board of commissioners to be styled the Loan Commissioners of the Territory of Utah, and shall exercise the powers and perform the duties hereinafter provided. *Provided*, in case of vacancy in the office of any of said commissioners by death resignation or otherwise such vacancy shall be filled by the said board.

Appointment of  
loan commissioners.

Vacancy

Sec. 2. It shall be and is hereby declared the duty of the loan commissioners to provide for negotiating a loan for the Territory in a sum not to exceed three hundred thousand dollars (\$300,000) by the issuing of negotiable coupon bonds of this Territory. *Provided*, that said commission shall not issue bonds for a greater sum than shall be set apart in appropriations at this session of the Legislature for the aforesaid purposes.

Duties.

Sec 3. Said bonds shall be issued in the denomination of one thousand (\$1,000) dollars and shall bear interest at a rate to be fixed by said loan commissioners, but in no case shall exceed five per cent. per annum which shall be paid semi-annually on the first day of January and July of each year at the Deseret National Bank in Salt Lake City, Utah Territory or at such bank in the city of New York State of New York as may be designated by said loan commissioners, at the option of the purchasers of said bonds, place of payment to be mentioned in the bonds the principal of said bonds shall be payable in lawful money of the United States within twenty years after the date of the issue; they shall bear the date of their issue, state when, where and to whom payable, the rate of interest and shall be signed by the governor, secretary and auditor of public accounts and have the seal of the Territory affixed thereto, and countersigned by the territorial treasurer, and bear his official seal, and shall be registered by the terri-

Bonds.



torial auditor in a book kept by him for that purpose, and the faith and credit of the territory is hereby pledged for the payment of said bonds and the interest accruing thereon as herein provided.

Sec. 4. Coupons for the interest shall be attached to each bond so that they may be removed without injury or mutilation to the bond; they shall be consecutively numbered and bear the same number as the bond to which they are attached. The said coupons shall cover the interest expressed in said bond from the date of the issue until paid; but in no case shall said bonds bear interest nor shall any interest be paid thereon for any time before their delivery to the purchaser as hereinafter provided. Coupons.

Sec. 5. Whenever the said loan commissioners shall have arranged to make a loan of said sum of three hundred thousand dollars (\$300,000) or any part thereof, they shall direct the territorial treasurer to advertise for a sale of the bonds to be issued for that purpose, by causing a notice of said sale to be published for the period of one month in three daily newspapers published in Salt Lake City Utah Territory, and at least ten insertions in a newspaper published in New York city in the State of New York, in the city of San Francisco, in the State of California, and in the city of Boston, State of Massachusetts; such notices shall specify the amount of bonds to be sold, the rate of interest they shall bear, the place, day and hour of sale and that bids will be received by said treasurer for the purchase of said bonds within one month from the expiration of said publication in Salt Lake City papers. At the place and time named in said notice, the said treasurer and loan commissioners shall open all bids received and shall award the purchase of said bonds, or any part thereof, to the highest bidder or bidders therefor; but in no case shall said bonds be sold for less than their face or par value, and the accrued interest at the time of their disposal; *Provided*, That said loan commissioners shall have the right to reject any and all bids, and, *provided further*, that they may refuse to make any award unless sufficient security shall be furnished by the bidder or bidders for the compliance with the terms of their bids. Sale of Bonds.

Sec. 6. When a sale of said bonds or any of them shall be awarded by the loan commissioners, they shall provide the necessary engraved bonds as in this act provided, and any expense incurred by them for the publication of said notices, costs of remitting funds for the payment of interest or money on said bonds and all other incidental expenses under the provisions of this act, shall be paid out of the general fund of the Territory upon the order of the territorial auditor, and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said funds. They shall from time to time after signing said bonds, deliver them to the territorial Bids.

Treasurer's bond.

treasurer, taking his receipt therefor and charge him therewith. Before the issuance of any such bonds the said treasurer shall give to the Territory of Utah an additional official bond with two or more sureties in the sum of three hundred and twenty-five thousand (\$325,000) dollars which bond shall be approved by the governor and deposited and filed with the secretary of the Territory, and recorded by him in a book to be kept for that purpose. And the said treasurer shall stand charged upon said bond and his official bond for the faithful performance of the duties required of him under this act.

Payment of interest

Sec. 7. The territorial auditor shall draw his warrant on the territorial treasurer for the amount of interest which shall fall due on the first day of January and June of each year, which said interest warrant shall be drawn at least one month previous to the maturing of the interest, and the sum of fifteen thousand (\$15,000) dollars annually or so much thereof as may be necessary, is hereby appropriated and set aside from the general fund of the Territory from year to year, to pay the interest upon said bonds.

Appropriations.

Sec. 8. At the expiration of ten years after the issuing of said bonds there shall be set apart and is hereby appropriated out of the general funds in the hands of the territorial treasurer annually the sum of thirty thousand (\$30,000) dollars to be drawn on the warrant of the auditor to pay the principal of said bonds as the same shall fall due or be called for as provided in this act. Said amount shall be held and placed by the treasurer in a fund to be known as the redemption fund for the redemption of said bonds; *Provided*, that the provisions of this section shall not be construed to prohibit the legislature from making provisions for the redemption of any or all of said bonds after the expiration of said ten years.

Redemption fund.

Payment of bonds.

Sec. 9. Whenever, after the expiration of ten years from the date of issuance of any bonds under this act there is available as provided in the last preceding section the sum of thirty thousand (\$30,000) dollars or more, it shall be the duty of the territorial treasurer to advertise that he will redeem certain bonds the numbers of which shall be stated as in the manner of the advertising by the loan commissioners for bids for the sale of bonds, which advertisement shall state the amount of money in the said redemption fund and the number of bonds, numbering them in the order of their issuance commencing at the highest number then outstanding, which such fund is set apart to pay and discharge, and the date when they will be paid, and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation at the expiration of the date mentioned in the publication then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the

expiration of the date mentioned in such publication. Before any such bond shall be paid they shall be presented to the territorial auditor who shall endorse on each bond the amount due thereon and shall write across the face of each bond the date of its surrender and the name of the person surrendering. The territorial treasurer shall within ten days after the sale of any such bonds, file with the territorial auditor a verified statement showing their number, rate of interest, date and amount of sale when, where and to whom payable and the territorial auditor shall keep a record of all bonds issued and disposed of by the territorial treasurer showing their number, rate of interest, date and amount of sale, when, where and to whom payable, and when presented for redemption, the date amount due thereon, and person surrendering.

Duties of auditor  
and treasurer.

Sec. 10. It shall be the duty of said board of loan commissioners to make a full report of all their proceedings and under the provisions of this act, biennially to the territorial legislative assembly during the first week of the session.

Biennial report.

Sec. 11. No bonds issued under the provisions of this act shall be taxed for any purpose within this Territory.

Exempt from tax-  
ation.

Sec. 12. This act shall be in force from and after its approval.

Approved March 13, 1890.

## CHAPTER XLV.

### PRIVATE CORPORATIONS.

AN ACT amending Sections 2268, 2272, 2273 and 2277 of the Compiled Laws of Utah, 1888, relating to Private Corporations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 2268, 2272, 2273 and 2277 of the Compiled Laws of Utah, 1888, be, and the same are amended as follows;

Section 2268, is, amended by inserting between the words "resignation" and "and," in the fifteenth line of the section the following words; "how many of the entire board of directors or trustees shall be necessary to form a quorum and be authorized to transact the business, and exercise the corporate powers of the corporation."

Quorum.

Section 2272 is amended by striking out the words "officers elected" in the fifteenth line of the section and substituting in lieu thereof the words, "directors or trustees selected." Also by striking out from the twentieth, twenty-first, twenty-second and twenty-third lines of said Section 2272 the following words; "a majority of the whole number of directors or trustees shall form a board for the transaction of business, and every decision of a majority of said board," and in-



serting in lieu thereof the following words; "the number of directors or trustees named in the agreement of incorporation as being sufficient to form a quorum for the transaction of business shall form a board, providing that a quorum shall not be less than one-fourth of the whole number of directors or trustees, and every decision of a majority of the board so formed."

Section 2273 is amended by striking out the word "thirteen" at the end of the thirteenth line of the section and substituting in lieu thereof the words "twenty-five."

Section 2277 is amended to read as follows;

Removal of officers. Section 2277 s. 11. The directors, trustees or other officers may be removed from office for misconduct in the manner prescribed by the agreement of incorporation or the by-laws, and all such officers after being qualified to act may continue to act unless removed for misconduct until their successors are elected or appointed and qualified.

Sec 2. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER XLVI.

### USURPATION OF OFFICE.

AN ACT amending Sections 3529, 3750 and 3754 of the Compiled Laws of Utah, 1888, relating to Actions for the Usurpation of Office and for contesting certain Elections.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 3529, 3750 and 3754 of the Compiled Laws of Utah, 1888, be and they are amended as follows:

Section 3529 of said Compiled Laws is amended by striking out the word "or" between the words "precinct" and "city" in the seventh line of the section, and by inserting after the word "city" in said seventh line the following words: "or school district, or any subdivision of either."

Section 3750, of said compiled laws is amended by striking out the word "or" in the first line of the section, and by inserting after the word "city" in the second line of the section, the following words: "or school district, or any subdivision of either." Subdivision 1 of Section 3754 of said Compiled Laws is amended to read as follows:

Contests. 1. The name of the party contesting such election, and that he is an elector of the county, precinct, city, school district, or of any subdivision of either, as the case may be, in which the election was held.

Subdivision 4, of said Section 3754 of said Compiled Laws is amended to read as follows:



4. The particular grounds of such contest, which statement must be verified by the affidavit of the contesting party, that the matters and things therein contained are true, except Grounds of contest. as to those matters therein stated upon his information or belief, and that as to those matters he believes it to be true.

Sec. 2. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER XLVII.

### CIVIL ACTIONS.

AN ACT amending Section 3200 s. 257 of the Compiled Laws of Utah of 1888, relating to the place of trial of civil action.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 3200. s. 257. of the Compiled Laws of Utah, 1888 is hereby amended to read as follows:

When an order is made transferring an action or proceeding for trial, the clerk of the court, or justice of the peace must transmit the pleadings and papers therein, to the clerk or Change of venue. justice of the court, to which it is transferred. And also the cost and fees thereof, and of filing the papers anew, must be paid by the party at whose instance the order was made. *Provided,* Costs. that when said order is made for the reason that the cause was commenced in the wrong judicial district, and this appears affirmatively upon the face of the complaint said costs of transfer and filing the papers anew shall be paid by the plaintiff in the action within ten days after the making of such order or said cause dismissed for want of jurisdiction.

Sec. 2. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER XLVIII.

### EQUALIZATION OF TAXES.

AN ACT providing for the Equalization of Territorial and Territorial School Taxes.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the Territorial Board of Equalization of Assessment of Territorial and Territorial Territorial board of equalization. School Taxes is hereby created for the years 1890 and 1891 to consist of seven members to be appointed by the governor and confirmed by the Legislative Council.

Sec. 2. Said board of equalization shall meet at the

Time of meeting.

office of the territorial auditor of public accounts, in Salt Lake City, at 12 o'clock noon, on the third Monday in June of each year, and a majority of said board shall constitute a quorum, to do business. At the first meeting of said board a chairman and a secretary shall be appointed from their number.

County meetings.

Sec. 3. The said board may appoint a committee of its members to visit the several counties of the Territory with power to hold examinations, hear testimony and make reports to the board. The board or any committee thereof may issue subpoenas, requiring the attendance of witnesses and the production of books and papers.

Subpoena.

It shall be the duty of any officer authorized to serve subpoenas to serve the same on request of the board or a committee thereof, or the board or a committee thereof may authorize any competent person to serve subpoenas. All persons served with a subpoena shall appear before the board or a committee at the time and place required, and be sworn and give testimony and produce such papers and documents as may be required, and any person failing to obey a subpoena shall be liable to a fine of not more than fifty dollars, to be recovered on complaint of the prosecuting attorney of any county, before any court having jurisdiction. The board shall have power to audit the fees of officers and witnesses and they shall be paid as other expenses in accordance with the provisions of this act.

Penalty.

To audit fees.

Assessment roll.

Sec. 4. The county clerk of each county in this Territory shall, on or before the third Monday in June of each year, prepare and forward to the auditor of public accounts, for the use of the board of equalization, a copy of sufficient number of pages from the county assessment roll of his county to show at least two pages of the assessment of property in each precinct of this county. Said board of equalization is authorized to call upon the county clerk of any county for a copy of any further portion of the assessment roll of such county whenever they may deem it necessary; and the county clerk so requested, shall immediately prepare a copy of the pages of said assessment roll designated by said board, to which shall be attached his certificate of the correctness of said copy, and transmit the same to said board. Said board, in the performance of its duty, may visit any part of the Territory; and shall also have power to administer oaths by its chairman or secretary, to summon to its aid the assessor of any county, or any other person, and examine him or them under oath, and also examine said copies of the assessment roll in order to ascertain the actual and the assessed values of taxable property, both real and personal, comparing one county with another.

Powers of board.

Equalization of taxes.

Sec. 5. Said board shall make such changes in the assessed valuation as between the several counties by increasing or decreasing the same such per cent as may be necessary to equalize the assessment of such county with the assessment of

other counties; *Provided*, that the county court of any county in which it is proposed to increase the assessed valuation, shall have not less than fifteen days notice to appear by representative and resist such increase and *Provided further*, that when the assessment of real and personal property in the Territory as made by the several county assessors is completed the grand total of such assessments shall remain unchanged, but the equalization shall be made without changing said total.

Notice.

The total to remain unchanged.

Sec. 6. The action of said board of equalization on the assessed valuation of the property in any county of this Territory for the years 1890 and 1891 shall be final.

Action of board final.

The said board shall finish its labors and file a full and complete report of all the changes made by it with the auditor of public accounts on or before the first day of August of each year, and immediately thereafter the secretary thereof shall give notice to the county court of each county of the action of said board affecting such county.

Final report.

Sec. 7. On receipt of said notice of the action of the board of equalization, each county court shall cause said notice to be entered upon its records, and if changes have been made by said board, the county clerk shall thereupon enter such changes upon the assessment roll by adding to or taking from the assessed valuation of property in the county such per cent as said notice shall designate, and give notice, by publication in some newspaper having general circulation in the county, and by causing a notice of such change to be posted in at least three public places in each precinct of said county.

Changes on assessment roll.

Sec. 8. The said board of equalization shall furnish to the legislative assembly of the Territory within the first two weeks of its session, a report of its official proceedings under this act, with such recommendations as it may deem proper.

Shall report to legislature.

Sec. 9. Each member of said board shall receive for his services while actually engaged in the work of equalization five dollars per day and ten cents per mile, one way only, and each person summoned as witness or aid shall receive three dollars per day, and the same mileage allowed to members of the board.

Compensation.

Sec. 10. The territorial auditor of public accounts shall audit the accounts of said board of equalization for per diem and mileage and draw his warrants for the amount due which shall be paid out of the territorial treasury and the sum of \$5,000.00 or so much thereof as may be necessary, is hereby appropriated for the payment of such per diem and mileage.

Auditing accounts.

Approved March 13, 1890.

## CHAPTER XLXIX.

COUNTY RECORDERS TO FURNISH ABSTRACT OF MORTGAGES TO  
ASSESSORS.

AN ACT requiring the several county recorders of the counties of Utah Territory, to furnish abstracts of mortgages to the assessors of the counties in which the mortgagee resides.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That during the month of January of each year the county recorders of the several counties of Utah Territory, are hereby authorized and required to transmit a certified abstract of all mortgages remaining uncanceled and appearing of record, on the records of their several counties to the assessor of the county in which the mortgagee resides. Said abstract to contain, name, of mortgagor, name of mortgagee, date of mortgage, when due, amount for which given, with the residence of mortgagor and mortgagee.

Abstract.

Sec. 2. Each recorder shall receive for his services the sum of twenty-five cents for each mortgage thus abstracted and transmitted, half of such amount to be paid out of the county treasury of the county whose assessor is supplied with said abstracts in accordance with the provisions of this act, and the other half of such amount to be paid out of the territorial treasury, and the auditor of public accounts is hereby required to draw his warrant in favor of the county recorder for any such amount upon receipt of such recorders bill therefor duly verified.

Recorder's compensation.

Approved March 13, 1890.

## CHAPTER L.

## LAYING OUT AND PLATTING TOWNS.

AN ACT concerning the Laying Out and Platting of Towns.

SECTION. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That it shall be lawful for any owner or owners of any land, or any trustee or trustees selected by such owners to lay out and plat such land into lots, streets, alleys, and public places.

Sec. 2. Whenever any lands are hereafter laid out and platted as mentioned in Section one, the owner or owners of the same, or any trustee or trustees selected by such owner or



owners shall cause to be made out an accurate map or plat thereof, particularly setting forth and describing:

First — All the parcels of ground so laid out and platted<sup>Map.</sup> by their boundaries, course and extent, and whether they are intended for avenues, streets, lanes, alleys, commons or other public uses, together with such as may be reserved for public purposes.

Second All lots intended for sale by numbers and their precise length and width.

Sec. 3 Such map or plat shall be acknowledged by such owner or owners, or trustee, before some officer authorized by law to take the acknowledgment of conveyances of real estate,<sup>Acknowledgment required.</sup> and certified by the surveyor making such plat, and shall be filed and recorded in the office of the county recorder of the county in which the said lands so platted and laid out are situated.

Sec. 4. Such maps and plats when made, acknowledged, filed and recorded with the county recorder shall be a dedication of all such avenues, streets, lanes, alleys, commons or other public places or blocks, and sufficient to vest the fee of such parcels of land as are therein expressed, named or intended for public uses for the inhabitants of such town and for the public for the uses therein named, or intended.<sup>Dedication of streets, etc.</sup>

Sec. 5. If any person shall sell or offer for sale any lot so platted according to said plat within any town or addition, before the map or plat thereof is made out, acknowledged, filed and recorded as aforesaid, such person shall forfeit to the county in which such town or addition is located, a sum not exceeding three hundred dollars, for every lot which he shall sell. Such a forfeiture shall be recovered in the name of such county in an action brought by the prosecuting attorney thereof.<sup>Penalty.</sup>

Sec. 6. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER LI.

### ENTRY BOOK TO BE KEPT BY COUNTY RECORDER.

AN ACT amending Subdivision first of Section 145 s 8 of the Compiled Laws, of Utah of 1888 relating to Recorders.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That, Subdivision first of Section 145 s. 8 of the Compiled Laws of Utah of 1888 is amended to read as follows:

First. An entry book in which he shall immediately upon receipt of any instrument or paper writing to be recorded, or upon the entry upon the margin of any record of any cancella-

tion satisfaction or discharge of any instrument in writing enter in the order of its reception or entry as the case may be the names of the parties thereto, its date the day of the month, the hour and year of filing any such instrument or marginal entry, and a brief description of the premises endorsing upon each instrument and marginal entry a number corresponding with the number of such entry.

Approved March 13, 1890.

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## CHAPTER LII.

### RAILWAY COMPANIES TO MAINTAIN FENCES AND CATTLE GUARDS.

AN ACT to amend Section 2349, s. 35, of the Compiled Laws of Utah of 1888 relating to Railroad Corporations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 2349 of the Compiled Laws of Utah of 1888 is hereby amended to read as follows:

Sec. 2349. s. 35. Each and every railway or railroad corporation operating a railroad or any part of a railroad within this Territory is hereby required to erect within ninety days after the approval of this act, and thereafter maintain a good and lawful fence on each side of such railroad, where such railroad passes through lands owned and settled or occupied by private owners, with good and sufficient cattle guards at all street or road crossings, to prevent live stock from getting upon such railroad, and any such corporation failing to build and maintain fences and cattle guards as aforesaid shall be liable to the full value of all damages sustained by the owner or owners of any live stock killed or injured by the engine or cars of such corporation, with interest on such damages from the date of the killing or injuring of such live stock.

Approved March 13, 1890

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## CHAPTER LIII.

### CHAIR OF GEOLOGY AND MINERALOGY IN DESERET UNIVERSITY.

AN ACT establishing a chair of Geology and Mineralogy in the University of the State of Deseret.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That there be created in the University of the State of Deseret a chair of geology and mineralogy.

Sec. 2. The chancellor and board of regents of said University shall select and appoint a suitable person to fill

Liability of railroad companies.

Appointment.

said chair at a salary not exceeding fifteen hundred dollars per annum to be determined by said board of regents, payable quarterly. Salary.

Sec. 3. The object of the creation of said chair shall be Objects.  
First—the delivery under the direction of the chancellor and board of regents of the University of lectures on geological, mineralogical, meteorological, metallurgical and kindred subjects to advanced students of the University and to residents of Utah. Second—the formation of natural science collections and a natural science library to be located in said Territory, especial attention therein to be given to the mineral resources and building material of the Territory. Third—to form the basis of a future school of mines.

Sec. 4. There is hereby appropriated by the Territory to carry out the provisions of this act for the years 1890 and 1891 the sum of three thousand dollars or so much thereof as may be necessary. Appropriation.

Sec. 5. This act to take effect upon approval.

Approved March 13, 1890.

## CHAPTER LIV.

### ORGANIZATION AND DISINCORPORATION OF TOWNS.

AN ACT amending Sections 1824, 1825, 1826 and 1828 of the Compiled Laws of Utah 1888, relating to the organization of Towns; and enacting new sections relating to the government, and disincorporation of Towns to be numbered 1828, a. 1828, b. 1828, c. and 1828, d.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections 1824, 1825, 1826 and 1828 of the Compiled Laws of Utah 1888 are hereby amended, and new sections to be numbered 1828, a. 1828, b. 1828, c. and 1828, d. are enacted as follows: Subdivision 2 of said section 1824, is amended to read as follows:

Section 1824. s. 6. 2. To make regulations to secure the general health of the town. To prevent the introduction of contagious, infectious or malignant diseases therein, and to make quarantine laws and enforce the same within the corporate limits and within one mile thereof. To prevent, abate and remove nuisances, and to adopt such other measures for the preservation of the public health as they may deem proper. Powers of Board of Trustees.

Subdivision 4, of said Section 1824 is amended to read as follows:

4. Restrain from running at large, horses, asses, mules, cattle, sheep, goats, swine and all kinds of poultry, in such towns, under such penalties and regulations as may be prescribed by the ordinances of such towns. Same.



Subdivision 6 of said Section 1824 is amended to read as follows:

6. To license, tax and regulate the manufacturing, vending or giving away of any spirituous, vinous, fermented or intoxicating liquors or beverages, and the use of billiard, bagatelle, pigeon hole and any other tables or implements kept or used for a similar purpose, and to license and regulate hotel and tavern keepers, eating houses, restaurants, merchants, grocers, peddlers, butchers, slaughterers, druggists, apothecaries, sugeons, physicians, dentists and photographers.

Subdivision 7 of said Section 1824 is amended to read as follows:

7. To license and regulate all exhibitions of showmen, concerts, theatricals, circuses, traveling shows, public dances and amusements, and to suppress any of the foregoing which are indecent.

Subdivision 12 of said Section 1824 is amended to read as follows:

12. To lay out, construct, open, grade, pave and otherwise improve streets, lanes, alleys, sidewalks and crosswalks, and to prohibit the encumbering of the same with any material whatever, and to prohibit riding or driving on sidewalks, except to cross the same.

Subdivision 13 of said Section 1824 is amended to read as follows:

13. To lay out, construct, open and keep in repair canals, water ditches, or water pipes for irrigation, domestic or other use for the inhabitants of such town, and to annually assess and collect a water tax for said purposes, upon the real property in said town benefited thereby.

Section 1825 is amended to read as follows:

Sec. 1825. s. 7. To enforce obedience to the ordinances of the town, the board of trustees may ordain and provide such fines, forfeitures and penalties as they may deem proper to be prosecuted before any justice of the peace of the county in which any such town may be situated in the name of the corporation, and all expenses incurred in prosecutions for the recovery of any fine, forfeiture or penalty shall be paid by the corporation, and all fines and forfeitures when collected shall be paid to the corporation as may be provided by ordinance.

*Provided*, the fine or penalty shall be less than one hundred dollars, and the imprisonment shall not exceed three months, and *provided further*, that in case the fine and costs, or either, are not paid, the court before whom the conviction is had may order the person committed to the county jail until such fine or penalty and costs are fully paid, but under no circumstances shall a person be imprisoned for one conviction for more than three months, but during such imprisonment may be kept at hard labor. The expense of boarding such prisoner shall be paid by the corporation; *Provided further*,



that justices of the peace before whom any case is tried, shall hold court in the town where the offense was committed.

The board of trustees are hereby authorized to erect a jail for said town, and when erected persons committed for violation of said ordinances shall be imprisoned in said jail. City Jail.

Section 1826 is amended to read as follows:

Sec. 1826. s. 8. The clerk of the board of trustees in each town shall have the custody of and safely keep the corporate seal, records, books and papers thereof entrusted to him by the board of trustees and shall attend all meetings of the board, and record all their proceedings; and he shall audit all accounts allowed by the board, and shall annually make, and keep posted in his office, a statement showing the financial condition of the town, including all receipts and disbursements, debts due to, or owing by the town, the names of the parties to or from whom such debts are due, and on what account such debts were contracted, the source from which all receipts were received and upon what accounts such expenditures were made; and he shall perform such other duties as may be required of him by the board of trustees. Duties of clerk.

Section 1828 is amended to read as follows:

Sec. 1828. s. 10. On petition in writing signed by not less than three-fourths of the taxpayers of any town, as shown by the assessment roll the previous year to the board of trustees praying for the disincorporation of such town, it shall be the duty of said trustees to submit such question to the electors, at the next election for such town, and to give notice thereof by publication in a newspaper having general circulation in such town, at least once a week for four successive weeks and by posting notices in at least five public places in such town, for at least thirty days prior to such election; *Provided* the question of disincorporating the town shall not be submitted at any election unless the obligations and liabilities of such town shall have been fully settled. Such notices shall distinctly state the proposition to be voted for and the time and place of the election. The electors shall be notified thereby to vote on the proposition by placing upon their ballots the words "for disincorporation" or "against disincorporation." The election shall be conducted, the votes canvassed and the returns made in the same manner as provided by law for the holding and conducting of elections in such town. Disincorporation.  
Notice.  
Proviso.

A new section to be numbered 1828. a. is enacted as follows:

Sec. 1828 a. s. 11. If three-fourths of all the votes cast at such election shall be "for disincorporation" the corporate existence of such town shall be ended and the officers elected at such election shall not qualify, and the terms of office of the incumbent officers shall immediately expire. Number votes required.

A new section to be numbered 1828. b. is enacted as follows:

Section 1828. b. s. 12. The retiring officers of such disincorporated town shall deposit with the treasurer of the county in which such town is situated, all records, books, maps and other personal property belonging to said town, and all moneys, accounts, notes, and other property, both real and personal, belonging thereto, shall vest in said county, in trust for the inhabitants of said town, and said county is hereby empowered to sue in its name, as such trustee, for the collection of all debts, accounts and claims which were due and owing to the said town at the time of such disincorporation. The county as such trustee, may sell and convey any real or personal property so vesting by reason of such disincorporation, and shall dispose of all moneys obtained by such sale, or otherwise, from any such property or debts, in the improvement of sidewalks, public squares, parks or cemeteries, in or owned by the said town, *provided*, that the necessary expenses incurred by the county in closing up and settling the business of such disincorporated town shall be deducted from the money so obtained, before such disposition shall be made.

Disposal of property.

Expenses.

A new section to be numbered 1828. c. is enacted as follows:

Section 1828. c. s. 13. Whenever any town is disincorporated as herein provided, it shall be the duty of the retiring president of such town to have recorded in the office of the county recorder of the county in which such town is situated, copies of said petition and of the order of the board of trustees submitting the proposition to the electors, and certified copies of said notices with proper affidavits showing the posting and publication of the same, and the number of votes cast for and against disincorporation; and such president shall further make publication of such disincorporation for at least four successive weeks in some newspaper having general circulation within this Territory.

Duties of retiring president.

A new section to be numbered 1828. d. is enacted as follows:

Section 1828. d. s. 14. This act shall take effect upon its approval.

Approved March 10, 1890.

## CHAPTER LV.

### TRESPASSING ANIMALS.

AN ACT providing for the Disposal of Estrays and Animals for Trespass and Damages.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any county or precinct thereof may at any general or special election called for that purpose by the county court by a vote of not less than two-

Elections.

thirds of the taxpayers voting at such elections declare in favor of fencing their farms and allowing their animals to run at large, in such cases the provisions of this act authorizing the detention and sale of animals for damages shall be inoperative.

Sec. 2. All horses, mules and neat cattle regardless of age, except sucking calves and colts found running at large on which there is no brand, and all such animals branded, the owner of which after reasonable search cannot be found, <sup>Estrays.</sup> and which have been running at large on any range in this Territory for one year or more, and any hogs running at large on the premises of any person not the owner are hereby declared to be estrays.

Sec. 3. It is hereby made the duty of the constable of any precinct to take up any estrays in said precinct, and after advertising them (giving therein a general description) for ten days he shall sell the same at public auction to the highest bidder for cash, and after deducting costs and expenses of keeping and sale shall deposit the balance of the proceeds of sale with the justice of the peace to be by him disposed of as in case of the sale of animals for damage as hereinafter provided. <sup>Sale of e-strays.</sup>

Sec. 4. If any neat cattle, horses, mules, sheep, goats or hogs, shall trespass or do damage upon the premises of any person except in cases where said premises are not enclosed by a lawful fence in districts or places where a fence is required by law, the party aggrieved may recover damages by an action at law against the owner of the trespassing animals or by proceeding as provided in this act. <sup>Damages.</sup>

Sec. 5. The owner or occupant of any improved real property may distrain all animals doing damages on such property and keep them in some secure place, and properly care for the same and shall notify the owner, if known, and if he resides within a distance of five miles from the place where the animals are distrained, and if all damages are not paid within forty-eight hours after taking said animals he shall file a verified complaint in writing in the justice's court of the precinct in which the trespass was committed substantially in the following form: <sup>Distrained animals.</sup>

In the justice's court of \_\_\_\_\_precinct\_\_\_\_\_county,  
Utah Territory\_\_\_\_\_ (name of the person damaged)  
\_\_\_\_\_plaintiff\_\_\_\_\_vs. \_\_\_\_\_name of the owner of  
the animals, if known; if not known: John Doe\_\_\_\_\_  
defendant\_\_\_\_\_The said plaintiff being first duly sworn on  
his oath says that certain animals to wit (here describe the <sup>Form of complaint.</sup>  
animals) now at (state the place which shall be in the precinct)  
on the \_\_\_\_\_day of \_\_\_\_\_A. D. 189— at \_\_\_\_\_precinct,  
county and Territory aforesaid belonging to (here state the  
name of the owner of the animals if known or if not known  
John Doe whose name is otherwise unknown) defendant did  
unlawfully trespass on the property of said plaintiff by (here



state the acts causing the damage.) to his damage in the sum of——dollars. That no part of said damage has been paid  
 \_\_\_\_\_ Plaintiff \_\_\_\_\_

Subscribed and sworn to before me this——day of——  
 A. D. 189——

Posting of state-  
 ment.

Upon filing said complaint said justice shall post up in some conspicuous and accessible place in front of his office and near thereto a written statement containing a description of said animals, the name of the person damaged, the place where said animals are detained and the amount of the damages claimed by the party aggrieved.

Summons.

Sec. 6. If the damages including expense of case and keeping of said animals and costs of the justice's court are not paid within forty-eight hours after the filing of said complaint, the justice shall issue a summons addressed to the defendant by name if known, if not known to John Doe, requiring him to appear on a specific day (naming it) not less than five nor more than ten days from the issuance of the summons, which said summons shall contain a description of the animals and in other respects shall be substantially as provided by law in such cases. If the defendant is known the summons shall be served and return thereof made in the manner provided by law in justices courts in civil cases. If the defendant be unknown service shall be made by publishing a copy of the summons in some newspaper published in the county if there be one published, if not by posting a copy thereof in some conspicuous and accessible place in front of the justice's office and near thereto for a period of at least five days prior to the day set for appearance. When service is made by publication or posting as provided in this section proof thereof shall be made by affidavit which affidavit shall be attached to the original summons.

Service.

Manner of conduct-  
 ing proceedings.

Sec. 7. From the time of the service of the summons and proof thereof as provided in the preceding section, the proceedings shall be conducted in the same manner as provided by law for the conduct of civil cases in justices courts and the damages and expenses in caring for and keeping said animals and costs of court shall constitute a lien upon said animals from the time they were taken up until judgment for said damages, expenses and costs are fully satisfied and said animals or so many thereof as may be necessary may be sold upon execution for the satisfaction of said judgment, and no such animal shall be exempt from execution. *Provided*, that the fees allowed in said justices court under the provisions of this act, shall be one-half of those allowed in other civil cases in said courts.

Fees.

Excessive damages.

Sec. 8. If the defendant is of the opinion that the damages claimed are excessive he may at any time after taking up the animal and before trial tender the plaintiff the amount he deems reasonable and if the plaintiff do not recover a greater



sum than that tendered, the costs from the time of the tender shall be assessed against the plaintiff.

Sec. 9. After six months from the date of said sale the net proceeds thereof shall be paid into the county treasury of the county in which the sale was made after which said sum shall be the same as other county funds. If, however, the owner of said animals shall within six months from the date of sale, prove to the satisfaction of the justice who heard the case that he was the owner, said justice shall pay such net proceeds to such owner and report quarterly to the county court a list of all such cases, which report shall show the cases tried, number of animals sold, the amount sold for and disposal of the proceeds. Disposal of proceeds.

Sec. 10. Each poundkeeper in this Territory shall deliver to the justice of the peace of the precinct in which he resides all brand books or sheets in his possession. Duties of pound-keepers.

Sec. 11. Any person who shall take any animals out of the custody of the person holding them for damage as provided in this act or who shall intercept or hinder any person in taking up or attempting to take up such animals for doing damage is guilty of a misdemeanor. Penalty.

Sec. 12. The provisions of this act shall in no way interfere with existing legal rights of incorporated cities and towns in relation to animals running at large.

Sec. 13. Sections 2215 to 2232 inclusive of the Compiled Laws of Utah of 1888 and all laws providing for precinct poundkeepers and prescribing their duties are hereby repealed.

Sec. 14. This act shall take effect, upon its approval.

Approved March 13, 1890.

## CHAPTER LVI.

### LIENS TO PROTECT RANCHMEN, TAVERN KEEPERS AND OTHERS.

AN ACT to secure to ranchmen, tavern-keepers and other persons liens on personal property, and repealing Sections 2955, 2956 and 2957, of the Compiled Laws of Utah of 1888.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any ranchman, farmer, agistor, or herder of cattle tavern keeper or livery stable keeper, to whom any horses, mules, asses, cattle or sheep, shall be intrusted for the purpose of feeding, herding pasturing or ranching, shall have a lien upon such animals for the amount that may be due him for such feeding, herding, pasturing or ranching and shall be authorized to retain possession of such animals until the said amount is paid; and every hotel, tavern, boarding-house keeper or person who lets fur- Lien on stock.

Liens on baggage.

nished rooms, shall have a lien upon the baggage of his patrons, boarders, guests and tenants for the amount that may be due from any such persons for such boarding, lodging or rent, and he is hereby authorized to hold and retain possession of such baggage until the amount so due for boarding, lodging or rent or either is paid.

Liens for storage.

Sec. 2. Every warehouseman or other person who shall safely keep or store any personal property at the request of the owner or person lawfully in possession thereof, shall in like manner have, a lien upon all such property for his reasonable charges for the storage or keeping thereof, and for all reasonable and proper advances made thereon by him in accordance with the usage and custom of warehousemen.

Mechanics' liens.

Sec. 3. Any mechanic or other person who shall make, alter, repair or bestow labor upon any article of personal property, at the request of the owner of such property, shall in like manner have a lien upon such articles for his reasonable charges for the labor performed and for any materials furnished and used in making such alteration, repair or improvement.

Appraisement.

Sec. 4. If any such charges for which a lien is given by the three preceding sections be not paid within thirty days after the same became due and payable the person to whom such lien is given as aforesaid may apply to any justice of the peace of the county wherein he resides to appoint appraisers to appraise the several articles of personal property whereon such lien is claimed. Such justice shall thereupon appoint by warrant under his hand three reputable householders of the county not interested in the matter to appraise such property.

Same.

Section 5. The appraisers so appointed shall be sworn by the justice to well and faithfully appraise and value all such property, and shall thereupon proceed to appraise the same and shall return their appraisement wherein shall be set down each article separately, with the appraised value thereof to the justice by whom they were appointed, within ten days after their appointment. And the person causing such appraisement shall serve a copy thereof upon the person against whom such lien is claimed within ten days after such appraisement

Sale.

Section 6. After such appraisement is made, the person to whom such lien is given by the foregoing sections may after giving ten days prior notice of the time and place of such sale, with a description of the property to be sold by publication in some newspaper published in the county wherein he resides (or if there be no such newspaper, then by posting in three public places within such county) and delivering to the owner of such personal property, or if he does not reside in the county, transmitting by mail to him, at his usual place of abode if known, a copy of such notice, proceed to sell all such

property, or so much thereof as may be necessary, at public auction, for cash at any public place within such county, between the hours of ten a. m. and four p. m. of the day appointed; and from the proceeds thereof may pay the reasonable costs of such appraisement, notice and sale, and his reasonable charges for which he has his lien, together with the reasonable cost of keeping such property up to the time of sale. The residue of the proceeds and of the property unsold he shall render to the owner. Costs, etc.

Sec. 7. No such sale shall be made for less than two-thirds of the appraised value of the article sold, nor without due notice, as required by the preceding section. Every such sale made in violation of the provisions of this section shall be void. Terms of sale.

Sec. 8. At such sale the person to whom such lien is given may become the purchaser.

Sec. 9. In any case where the property to be sold cannot conveniently be sold in one day, the sale may be continued from day to day by public outcry at the place of sale. Upon the completion of such sale, the person to whom the lien is given hereby, shall cause a sale bill thereof to be filed with the justice of the peace before whom such appraisement was had, in which shall be set down the sum for which each separate article of property was sold, and the name of the purchaser. The justice shall record such sale bill in his docket, and preserve the original thereof, together with the appraisement. Continuation of sale.

Sec. 10. Nothing in this act shall take away the right of action of the party to whom such lien is given, for his charges, or for any residue thereof, after sale of such property. Right of action.

Sec. 11. At such sale the person to whom such lien is given, as herein provided may appoint a crier. Crier.

Sec. 12. Appraisers appointed under the provisions of this act shall receive two dollars per day; justices of the peace shall receive for each warrant of appraisement, fifty cents; for receiving and recording each appraisement, twenty cents for one hundred words, and the like fees for recording each sale bill; criers at sales made under the provisions hereof, shall receive two dollars per day. Compensation.

Sec. 13. All acts or parts of acts in conflict with this act, and Sections 2955, 2956 and 2957 of the Compiled Laws of Utah of 1888, are hereby repealed, *provided*, nothing in this act contained shall affect any lien which may exist at the time this act shall take effect or take away the right or remedy to enforce the same, or affect any right or remedy which may exist under and by virtue of any law which may be repealed by this act; but all such liens or rights shall remain in full force and may be enforced in the same manner and to the same effect as if this act had not been passed. Repealing clause.

Approved March 13, 1890. Proviso.

## CHAPTER LVII.

## FORMS FOR DEEDS AND MORTGAGES, AND CANCELLATION OF MORTGAGES.

AN ACT concerning conveyances and providing for the cancellation and discharge of mortgages and deeds of trusts.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That conveyances of land may be substantially in the following form:

## WARRANTY DEED.

Form of warranty.

A. B. grantor (here insert name or names and place of residence) hereby conveys and warrants to C. D. grantee, (here insert name or names and place of residence) for the sum of \_\_\_\_\_dollars, the following described tract of land in \_\_\_\_\_ county Territory of Utah (here describe the premises).

Witness the hand of said grantor this \_\_\_\_\_day of \_\_\_\_\_  
A. D. \_\_\_\_\_

Signed in the presence of  
\_\_\_\_\_  
\_\_\_\_\_

Effect.

Such deed, when executed and acknowledged as required by law shall have the effect of a conveyance in fee simple to the grantee, his heirs and assigns, of the premises therein named, together with all the appurtenances, rights and privileges thereto belonging, with a covenant from the grantor, his heirs and personal representatives, that he is lawfully seized of the premises; has good right, to convey the same; that he guarantees the grantee his heirs and assigns in the quiet possession thereof, that the same are free from all encumbrances and that the grantor, his heirs and personal representatives will forever warrant and defend the title thereof in the grantee, his heirs and assigns, against all lawful claims whatsoever. Any exceptions to such covenants may be briefly inserted in such deed, following the description of the land.

Sec. 2. That conveyances of land may also be substantially in the following form,

## QUIT CLAIM DEED.

Form of quit claim.

A. B. grantor (here insert name or names and place of residence) hereby quit claims to C D. grantee (here insert name or names and place of residence) for the sum of \_\_\_\_\_dollars,



the following described tract of land in———county, Territory of Utah, (here describe the premises.)

Witness the hand of said grantor this——day of——A. D.

Signed in the presence of

And such deed when executed and acknowledged as required by law shall have the effect of a conveyance of all right, title, interest and estate of the grantor in and to the premises therein described, and all rights privileges and appurtenances thereto belonging at the date of such conveyance. Effect.

Sec. 3. A mortgage may be substantially in the following form

#### MORTGAGE.

A. B. mortgagor (here insert name or names and place of residence State or Territory) hereby mortgages to C. D. mortgagee, (here insert name or names and place of residence) for the sum of———dollars the following described tract of land in———county, Territory of Utah (here describe the premises).

Form of mortgage.

This mortgage is given to secure the following indebtedness (here state amounts and form of indebtedness, maturity, rate of interest, by and to whom payable and where).

The mortgagor agrees to pay all taxes and assessments on said premises, and the sum of———dollars, attorney's fees in case of foreclosure.

Witness the hand of said mortgagor this———day of  
———A. D.

Signed in presence of

And when executed and acknowledged as required by law, shall have the effect of a conveyance of the land therein described, together with all the rights, privileges and appurtenances thereunto belonging to the mortgagee, his heirs, assigns and legal representatives, for the payment of the indebtedness therein set forth, with covenant from the mortgagor that all taxes and assessments levied and assessed upon the land described, during the continuance of the mortgage, shall be paid previous to the day appointed for the sale of such lands for taxes, and may be foreclosed as now provided by law and with the same effect, upon any default being made in any of the conditions thereof as to payment of either principal, interest, taxes or assessments. Effect.

Sec. 4. A cancellation or discharge of a mortgage or deed of trust may be substantially in the following form.

CERTIFICATE OF DISCHARGE.

Form of cancellation.

This certifies that a (mortgage or deed of trust, as the case may be) from \_\_\_\_\_ to \_\_\_\_\_ dated \_\_\_\_\_ A. D. \_\_\_\_\_ and recorded in book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_\_ has been fully satisfied by the payment of the debt secured thereby, and is hereby cancelled and discharged.

Signed in presence of \_\_\_\_\_

Recorder \_\_\_\_\_ county

Filed and recorded \_\_\_\_\_ A. D. \_\_\_\_\_ at \_\_\_\_\_ m.

\_\_\_\_\_ County Recorder.

Effect.

Such cancellation or discharge shall be entered in a book kept for that purpose, and signed by the mortgagee or trustee, his attorney in fact executor, administrator or assigns, in the presence of the recorder or his deputy, who shall subscribe the same as a witness, and such cancellation or discharge, shall have the same effect as a deed of release duly acknowledged and recorded.

Form of acknowledgement.

Sec. 5. A certificate of acknowledgment to any instrument in writing affecting the title to any real property in this Territory may be substantially in the following form.

Territory of Utah }  
County of \_\_\_\_\_ } ss.

On the \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_ personally appeared before me \_\_\_\_\_ the signer of the above instrument who duly acknowledged to me that he executed the same.

Effect.

Such certificate when properly executed by an officer authorized to take acknowledgments to instruments in writing affecting the title to real property in this Territory, and attached to a conveyance in writing, shall be a sufficient acknowledgment, proof and certificate that such conveyance was executed as required by law.

Private seals.

Sec. 6. Hereafter it shall not be necessary to use private seals on any instrument of writing in this Territory.

Sec. 7. All acts and parts of acts in conflict with the provisions of this act are repealed.

Sec. 8. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER LVIII.

## WORLD'S FAIR COMMISSIONERS.

AN ACT to provide for the appointment of Commissioners to the World's Fair.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the governor of the Territory shall appoint three suitable persons to represent the Territory of Utah as commissioners at the next World's Fair that may be held in the United States in the year 1892 or thereafter. Appointment.

Sec. 2. The said commissioners shall have power to receive and collect subscriptions of money, collections of samples of the products of the Territory, specimens of minerals, structural materials and other natural resources of the Territory of Utah, and to apply for and secure sufficient space for proper exhibition thereof at the said fair. Powers and duties.

Sec. 3. Said commissioners shall serve without salary but their actual expenses, not exceeding the amount hereinafter appropriated, shall be paid out of the territorial treasury upon vouchers properly made and certified by the governor. Compensation.

Sec. 4. The sum of three thousand dollars is hereby appropriated by the Territory for the purposes of this act. Appropriation.

Sec. 5. This act shall take effect on approval.

Approved March 13, 1890.

## CHAPTER LIX.

## PROTECTION OF GAME AND BIRDS.

AN ACT for the protection of Game and Birds.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person who shall kill, wound, ensnare or trap within the Territory of Utah any elk, deer, buffalo or bison, antelope or mountain sheep, or any fawn or young of any of said animals between the first day of December and the first day of September following, shall be guilty of a misdemeanor. Protection of game

Sec. 2. Any person who shall pursue, with dog any of the animals mentioned in Section 1. shall be guilty of a misdemeanor, and any person may lawfully kill any dog while pursuing any of said animals and shall not be liable for the value of said dog. Hunting with dog.

Sec. 3. Any person who shall wantonly kill or destroy

Wanton destruction.

any of the animals mentioned in the first section of this act, or shall kill or destroy the same for the sole purpose of securing the hide or skin of any such animal, or shall ship, carry or transport out of the Territory of Utah any of such animals, or any part thereof, shall be guilty of a misdemeanor.

Protection of birds.

Sec. 4. Any person who shall kill, ensnare, net or trap any quail, partridge, pheasant, prairie chicken, sage hen or grouse within the Territory of Utah between the fifteenth day of March and the fifteenth day of August of each year; or who shall kill, ensnare, net or trap at any time any lark, whippoorwill, thrush, swallow, snow-bird, bobolink, woodpecker, or other insectivorous birds, not being birds of prey except English sparrows, and the bird commonly known as the California quail shall be guilty of a misdemeanor.

Geese and ducks.

Sec. 5. Any person who shall take, kill or destroy any wild goose, wild duck or snipe between the first day of April and the first day of September of each year within the Territory of Utah, or who shall rob the nests of any wild goose or wild duck, or who shall rob the nests of any of the birds mentioned in this act, except the English sparrow and blackbird or who shall kill any wild goose or wild duck between one hour after sunset and one hour before sunrise, shall be guilty of a misdemeanor.

Applicable to Indians.

Sec. 6. The provisions of this act shall apply to all Indians in the Territory of Utah except in cases of game and birds taken upon their reservations.

Possession.

Sec. 7. Any person who shall have in his possession any game taken unlawfully is guilty of a misdemeanor.

Reward for information.

Sec. 8. The county courts of the several counties shall offer such reward as in their discretion they may determine, to any person or officer who shall give information that shall lead to the arrest and conviction of any person violating this act. All fines collected in cases of conviction under this act shall be paid into the treasury of the county in which trial for such violation is had.

Sec. 9. All laws in conflict with this act are hereby repealed.

Sec. 10. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER LX.

### GRAND COUNTY.

AN ACT creating Grand County, prescribing its Boundaries and appointing County Officers

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that portion of the Territory of Utah embraced within the following boundaries, to wit: Commencing at the point of intersection of parallel 35°



30' north latitude with the west line of the State of Colorado, running thence north along the line between Emery County and Colorado to the point of intersection with Uintah County, thence westerly along the southern boundary line of Uintah County to the center of the main channel of Green River, <sup>Boundaries.</sup> thence southerly following the center of the main channel of said Green River, to the northern line of San Juan County, thence east to the place of beginning, is hereby made and named Grand County, with the county seat at Moab, and said county is hereby attached to and made a part of the First Judicial District of this Territory.

Sec. 2. Causes of action, criminal or civil, now pending in any court which have arisen within the territory, above described, shall be tried and determined regardless of the creation of Grand County; and any cause of action now accrued, or criminal offense committed before the passage of this bill <sup>Criminal and civil actions.</sup> within the territory forming Grand County, where proceedings have not been commenced at the time of the passage of this act, shall be tried and determined in said First Judicial District, except cases cognizable in justice's courts, which cases shall be tried in said Grand County.

Sec. 3. For the purpose of organizing said Grand County, the following officers are hereby appointed; John H. Shafer, Henson Walker and R. C. Camp, selectmen; Walter Moore sheriff; O. D. Allen assessor and collector; Sylvanus Richardson prosecuting attorney; Arthur Taylor treasurer; H. B. Beach county superintendent of district schools; William H. Allred, coroner; Joel Shomaker surveyor; George H. Wade county clerk; George H. Wade county recorder. Said officers <sup>Officers.</sup> shall take the oath of office prescribed by law, and give bonds <sup>Oath and bonds.</sup> in such penal amounts as required by law. They shall hold said offices until the next general election in 1890, and until their successors are elected and qualified. They shall commence the duties of their offices immediately upon qualifying, <sup>Term of office.</sup> and the selectmen shall, on or before the first Monday in May, 1890, meet and organize, and appoint such officers as are necessary for the complete organization of said county, and the transaction of all business matters therein, who shall, before entering upon the duties of their offices, qualify as the law directs. The county court of said county shall prescribe the boundaries of precincts and school districts, and exercise all <sup>Duties.</sup> powers and perform all acts as by law provided. <sup>Boundaries of precincts and school districts.</sup>

Sec. 4. All taxable property within said Grand County shall be assessed by the assessor thereof, and all property within said county, that may have been assessed by the assessor of Emery County for the year 1890, shall, at the meeting of the board of equalization of said Emery County be stricken from the assessment roll. <sup>Assessment of tax.</sup>

Sec. 5. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER LXI.

## CHANGING BOUNDARY OF EMERY COUNTY.

AN ACT to amend Section 76, s. 1, of the Compiled Laws of Utah of 1888, relating to the boundary of Emery County.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 76. s. 1, of the Compiled Laws of Utah of 1888, is hereby amended to read as follows:

Sec. 76. s. 1. All that portion of the Territory of Utah bounded as follows, to wit: Commencing at a point where parallel 38 deg. 30 min. north latitude crosses Green River, thence west along the said parallel, to a point six (6) miles west of the first guide meridian east of the Salt Lake meridian, thence north along the township line between Range five (5) and six (6) east, to the third standard parallel south, thence east three (3) miles to the section line running north through the middle of Range six (6) east, thence north along said section line to the township line between townships eleven (11) and twelve (12) south, thence east along the last mentioned township line to Green River, thence down the main channel of Green River to the place of beginning, is hereby made and named Emery County, with the county seat at Castle Dale, which county is hereby attached to and made a part of the First Judicial District.

Sec. 2. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER LXII.

## PENAL CODE RELATING TO MURDER, ETC.

AN ACT to amend Sections 4455, 4457, 4469, 4622, 4631 and 4677, of the Compiled Laws of Utah of 1888 relating to the Penal Code.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 4455 of the Compiled Laws of Utah 1888 is hereby amended so as to read as follows:

"Sec. 4455. Every person guilty of murder in the first degree shall suffer death, or upon the recommendation of the jury, may be imprisoned at hard labor in the penitentiary for life, in the discretion of the court, and every person guilty of murder in the second degree shall be imprisoned at hard labor in the penitentiary for a term not less than ten years and which imprisonment may extend to life."

Sec. 2. Section 4457 of said laws is hereby amended so as to read as follows:

Sec. 4457. Voluntary manslaughter is punishable by imprisonment in the penitentiary for a term not less than one and not exceeding ten years; involuntary manslaughter is punishable by imprisonment in the county jail not exceeding one year.” Manslaughter.

Sec. 3. Section 4469 of said laws is hereby amended to read as follows:

Sec. 4469. Robbery is punishable by imprisonment in the penitentiary for a term not less than three years nor more than twenty years. Robbery.

Sec. 4. Section 4622 of said laws is hereby amended so as to read as follows:

“Sec. 4622. Burglary is punishable by imprisonment in the penitentiary for a term not less than one nor more than twenty years. Burglary.

Sec. 5. Section 4631 of said laws is hereby amended so as to read as follows:

“Section 4631. Forgery is punishable by imprisonment in the penitentiary for a term not less than one nor more than twenty years. Forgery.

Sec. 6. Section 4677 of said laws is hereby amended so as to read as follows:

“Section 4677. Every person who knowingly and designedly, by false or fraudulent representations or pretenses shall obtain from any other person or persons, any chose in action, money, goods wares, chattels, effects or other valuable thing, with intent to cheat or defraud any person or persons of the same, if the value of the property so obtained is less than fifty dollars, is punishable as in cases of petit larceny, and when the property so obtained is of the value of fifty dollars or more the person so offending shall be punishable as in cases of grand larceny. Obtaining goods under false pretences.

Sec. 7. The several sections and provisions of the laws of Utah of which this act is amendatory are continued in force for all purposes of the trial of cases arising thereunder prior to the passage of this act; in all such cases the court shall proceed to trial and judgment as if this act had not been passed. Prior action

Approved March 13, 1890.

## CHAPTER LXIII.

### FUGITIVES FROM JUSTICE.

AN ACT amending Section 5274 of the Compiled Laws of Utah, of 1888 relating to Fugitives from Justice.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 5274, of the Compiled Laws of Utah of 1888, is hereby amended to read as follows:

Requisition.

Expense.

Sec. 5274. The governor of this Territory, may in any case where any person is charged therein, with felony or other crime against the laws of this Territory who shall flee from justice, or be found in any State, or other Territory, demand from the executive authority of such State, or other Territory, the surrender to the authorities of this Territory of such fugitive from justice, who has been found in such State or other Territory, and the accounts for the necessary expense, and lawful fees of the agents appointed by the governor to bring back such fugitive, properly verified by the oath of such agents, and certified by the governor, as being to the best of his knowledge and information correct and true, shall be audited by the auditor of public accounts, and paid out of the treasury of the Territory.

Sec. 2. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER LXIV.

### COUNTY COURT IGNORING PROBATE JUDGE.

AN ACT amending Section 184. s. 14 of the Compiled Laws of Utah of 1888.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Subdivision 4. of Section 14. of Chapter VI on page 296. of volume one of the Compiled Laws of Utah, be and the same is hereby amended so as to read as follows; to wit:

Claims.

Immediately after the adjournment of each meeting of the court, prepare and certify duplicate lists of all claims allowed and orders made by the court for the payment of money, giving the name of the claimant or payee named in the claim or order the amount and date of each claim, or order and the date of the allowance thereof, and deliver to, and leave with, the treasurer one of said lists and retain and file in his office the other list.

Approved March 13, 1890.

## CHAPTER LXV.

### NARCOTICS.

AN ACT prohibiting the selling, giving or furnishing of tobacco, opium or other narcotics to, and the use thereof by, minors.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person who shall sell, give or furnish any cigar, cigarette, or tobacco, in any form,



opium or any other narcotic in any form to any minor under eighteen years of age in this Territory shall be guilty of a <sup>Penalty.</sup> misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten nor more than one hundred dollars.

Sec. 2. The provisions of this act shall not apply to the use sale, giving or furnishing of any narcotic upon the prescription of a physician.

Approved March 13, 1890.

## CHAPTER LXVI.

### REFORM SCHOOL.

AN ACT amending Section 1892, 1902, 1903, 1907 and 1908 of the Compiled Laws of Utah of 1888 and adding a new section to be known as Section 1911 a. s 22, relating to Reform School.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1892 of the Compiled Laws of Utah, 1888, is amended by adding thereto the following: *Provided* that a trustee herein mentioned shall not be eligible to serve as superintendent of the Territorial Reform School.

Trustee not eligible to serve as superintendent.

Sec. 2. That Section 1902 is hereby amended to read as follows:

Sec. 1902 s 12. When a boy or girl within the age of eighteen years, shall, in any of the district courts in this Territory, be found guilty of any crime except murder, the court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment cause an order to be entered, that such boy or girl be sent to the Reform School in pursuance of the provisions of this act; and a copy of said order, duly verified by the clerk, under the seal of such court, shall be a sufficient warrant for taking such boy or girl to said school, and for his or her commitment therein; or when it appears to the court on the complaint or due proof thereof, by the parent or guardian, corroborated by two disinterested witnesses, that the incorrigible or vicious conduct of any boy or girl has rendered his or her control beyond the power of such parent or guardian and made it manifestly requisite from regard to the morals and future welfare of such boy or girl; or when complaint and due proof have been made that any boy or girl is a proper subject therefor, in consequence of incorrigibly vicious conduct, the court may, if in its opinion the accused is a proper subject therefor, cause an order to be entered, that such boy or girl be sent to the Reform School in pursuance of the provisions of this act; and a copy of said order, duly certified by the clerk, under the seal of said court, shall be a sufficient warrant for taking such boy or girl to such school, and for his or her commitment therein.

Who subject for reform school.

Sec. 3. That Section 1903 is hereby amended to read as follows:

Powers of justice.

Sec. 1903. s. 13. When, before a justice of the peace, a boy or a girl under the age of eighteen years shall be convicted of any crime; or against whom a complaint has been made and proven, by two disinterested witnesses charging such boy or girl with incorrigible or vicious conduct, and that such boy or girl is a proper subject for said school under the provision of the section last preceding, the magistrate may in his discretion, send such boy or girl, together with all the papers filed in his office on the subject, under the control of some officer to the judge of the district wherein he presides, said judge shall then issue an order to the parent or guardian of such boy or girl, or such person as may have him or her in charge; or if he or she be alone and friendless, then to such person as said judge may appoint to act as guardian for the purpose of the case, requiring him or her to show cause why the said boy or girl should not be committed to the Reform School for reformation and instruction.

Sec. 4 That Section 1907 s. 17. is hereby amended by striking out the word "majority" in line three of said section, and inserting in lieu thereof the words "twenty-one years."

Sec. 5. That Section 1908. s 18. is hereby amended by striking out the word "majority" in line three of said section, and inserting in lieu thereof the words "twenty-one years."

Sec. 6. A new section is hereby enacted to be known as Sec. 1911 a:

Expense.

Sec. 1911 a. s 22. The trustees shall estimate and determine as near as may be, the actual expense per annum of keeping and taking care of any such boys or girls as are committed on the complaint of the parents or guardians of such boys or girls to the Reform School for incorrigible or vicious conduct, and the costs of keeping such boys or girls, including the cost of transportation to the Reform School and the costs of court, shall be wholly paid by such parent or guardian, unless for good cause said trustees shall otherwise order and direct, in which case such expenses including cost of transportation shall be paid by the Territory.

Sec. 7 This act shall be in effect from and after its passage.

Approved March 13, 1890.

## CHAPTER LXVII.

### TERRITORIAL LIBRARY.

AN ACT providing for and regulating the Utah Territorial Library.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the books, pamphlets, maps, charts, globes, papers, apparatus and valuable specimens

belonging to the Territory now in the territorial library, or which shall hereafter be added thereto, shall constitute the Utah Territorial library.

Sec. 2. That the governor, secretary, chief justice and associate justices of the supreme court of the Territory, shall constitute the board of control of the Territorial library. Board of control.

Sec. 3. The board of control may, in their discretion, classify the books and articles named in Section 1. of this act and deliver to and place in the library of the University of Deseret such books and articles belonging to and composing the Territorial library as they may consider more useful to the University library than to the Territorial library, and any books or articles so delivered to the University library shall thereupon become and thereafter remain a portion of the University library. Division of library.

Sec. 4. The public shall have access to the library, and the board of control may make such rules and regulations not inconsistent with the provisions of this act, as they may deem proper, for the use of the library by the public and the officers herein named, and may prescribe penalties for any violation thereof, which shall be collected in the same manner as forfeitures for the non-return or injury of any book. Use of library.

Sec. 5. Books may be taken from the Utah territorial library by members of the legislature, and its officers, and at any time by the officers of the executive department of the Territory. Justices of the supreme court, the marshal and attorney for the Territory, but no other person shall be permitted to take or detain any book from the library. Who may take books from territorial library.

Sec. 6. The governor by and with the advice and consent of the legislative council shall appoint a territorial librarian who shall cause to be kept a register of all books issued and returned, showing to whom they are issued, by whom they are returned, and the time they are so issued and returned; and no book, except the laws, journals and reports of the Territory, which may be taken from the library shall be detained more than ten days, except when taken for the use of officers and members of the legislature while it is in session, and all books taken out by officers or members of the legislature shall be returned at the close of the session. Territorial librarian.

Sec. 7. If any person injure or fail to return any book taken from the library he shall forfeit and pay to the librarian for the use of the library the damage thereto including costs and reasonable counsel fees for collecting the same, to be recovered in an action in the name of the Territory in any court of competent jurisdiction; and it shall be the duty of the librarian in behalf of the Territory to commence suit for the collection of all such forfeitures and all fines. Detaining books.

Sec. 8. The librarian shall on or before the twentieth day of December in each year report to the governor the condition of the library, stating the number of volumes con- Damages to library.



Librarian's report.

tained therein, the number of volumes purchased during the last year and the cost thereof, the number of volumes received by donation, the number of volumes injured or not returned, if any, and the amounts received in compensation therefor, and such suggestions and further information as may be deemed by him desirable.

Annual appropriations.

Sec. 9. The sum of five hundred dollars per annum is hereby appropriated and ordered paid out of the Territorial treasury, in the usual manner to be used by the board of control of the library in the payment of the librarian for services and of rent for rooms in which to keep the library. The sum of three hundred dollars is hereby appropriated and ordered paid in the usual manner out of the territorial treasury for the preparation and printing of a catalogue of the territorial library under direction of the board of control.

Appropriation for catalogue.

Appropriation for cases and books.

Sec. 10. The sum of three thousand dollars is hereby appropriated and ordered paid out of the territorial treasury, in the usual manner to be used by the board of control of the library for the purchase of cases and such new and additional volumes for the use of the library as the said board of control may consider advisable.

Catalogue.

Sec. 11. It shall be the duty of the librarian to make out a written catalogue, conveniently arranged in alphabetical order, and cause the same to be printed and distributed to the officers entitled to the use of such library, of all books, pamphlets, maps, charts, globes, papers, apparatus and valuable specimens in the library, adding thereto as the library is increased; which catalogue shall be kept for the use of those authorized to use books. He shall also make out and place in some conspicuous place a copy of the rules and regulations of the library.

Labels.

Sec. 12. It shall be the duty of the librarian to cause every book in the library to be labeled with printed or stamped label containing the words "Utah Territorial Library," and also cause the same words to be written or stamped on the thirtieth page of each volume.

Duplicate reports.

Sec. 13. The board of control of the library may sell or exchange any surplus or duplicate sets of reports or law books in the library and use the money arising from such sale in purchasing other law books or reports for the library.

Penalty.

Sec. 14. If the librarian shall permit or allow any person not authorized by this act to take a book from the library he shall be liable, upon conviction thereof, to pay a fine of not less than five nor more than fifty dollars for each book so taken. All fines and forfeitures collected shall be used for the benefit of the library according to the best judgment of the board.

Same.

Sec. 15. If any person not authorized by this act shall take a book from the library, either with or without the consent of the librarian, or violate any of the provisions of this



act he shall upon conviction thereof, be fined in any sum not less than ten nor more than fifty dollars for each book so taken.

Sec. 16. All acts or parts of acts superseded by or in conflict with the provisions of this act, are hereby repealed.

Sec. 17. This act shall take effect at twelve o'clock noon on the first day of April in the year of our Lord one thousand eight hundred and ninety.

Approved March 13, 1890.

## CHAPTER LXVIII.

### JURORS, WITNESSES, PHONOGRAPHIC REPORTERS AND COMMISSIONERS.

AN ACT providing for the payment of Jurors, Witnesses and Phonographic Reporters and creating and defining the duties of Court Commissioners.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That from the first day of April 1890 and until the first day of April 1892, witnesses for the Territory in criminal cases and jurors in the district courts, shall be paid the sum of two dollars per day for each days attendance at court and ten cents per mile, one way, when the witness or juror can travel by rail, and twenty cents per mile one way, when the witness or juror, cannot travel by rail for the distance necessarily traveled from his place of residence to the place of holding court, *provided*, that in no case shall per diem be allowed to any juror for any day when the major part thereof was devoted to the trial of cases under the laws of the United States, and, *provided further*, that when jurors are summoned and render service both for the Territory and the United States, one-half only of the mileage of such jurors shall be paid by this Territory.

Compensation of  
witnesses and  
jurors.

Sec. 2 The clerk of the district court shall, whenever a juror or witness for the Territory is discharged issue to him a certificate under the seal of the court, stating the name of such juror or witness, when and where he was summoned or subpoenaed and the date of his discharge, the place of his residence, the number of miles necessarily traveled from his place or residence to the place of holding court, and the number of days upon which the major part of the time was devoted to territorial criminal cases and, if a juror, the number of days engaged in civil cases.

Certificate.

Sec. . The plaintiff in each civil action except equity cases, where a jury is not required and the appellant in each civil case appealed to the district court shall respectively, before his complaint or appeal papers are filed deposit with the clerk of said court the sum of three dollars which shall be

Plaintiff in civil  
action to make  
deposit

known and designated as the jury fund, *provided*, that the term civil action in this section shall apply to and include all actions where a municipal corporation is a party beneficially interested; *Provided further*, that in case judgment is rendered in favor of such plaintiff or appellant, said amount may be taxed as costs and collected as other costs in the action.

Disposition of  
moneys.

Sec. 4. The clerk of each district court shall, on or before the first Monday in June A. D. 1890 and quarterly thereafter pay into the territorial treasury all sums of money deposited with him under the provisions of this act, and shall at the same time furnish the auditor of public accounts a statement in writing showing the number of complaints filed and the number of appeals taken to the district court in civil cases since making his last statement to said auditor, together with the title of each case.

Attendance roll.

Sec. 5. It shall be the duty of the clerks of the several district courts to keep an attendance roll in which shall be noted the name of each witness subpœnaed for the prosecution in territorial criminal cases, the name of each witness subpœnaed for the defendant at the expense of the Territory under order of the court; the name of each juror, when said witness or juror was subpœnaed or summoned the date of appearance, the date of discharge, each days attendance with the date thereof, his place of residence and the number of miles and how necessarily traveled by said witness or juror from the place of his residence to the place of holding court and, if a juror, the number of days upon which the major part of the time was devoted to the trial of territorial criminal or civil cases or investigation of territorial criminal cases before a grand jury as the case may be.

Discharge of wit-  
nesses or jurors.

Sec. 6. Whenever a grand juror, or witness for the Territory before the grand jury, is finally discharged, the foreman of said grand jury shall furnish the clerk of said court a statement under oath containing the information not a matter of record required in the preceding section relative to said juror or witness, whereupon the clerk shall issue a certificate to said witness or juror as in this act provided, and shall enter the facts not already a matter of record upon such attendance roll and carefully file and preserve the statement of said foreman for reference as hereinafter provided; *Provided*, that in no case shall any grand juror or witness before the grand jury be required to disclose any fact to any clerk or court commissioner except matters relating to his attendance and mileage.

Witnesses and jur-  
ors must report  
daily.

Sec. 7. Every witness subpœnaed for the Territory, and every witness subpœnaed for a defendant under order of the court at the expense of the Territory and every juror whether grand or petit shall report in person daily to the clerk his attendance at court from the time of his appearance till the date of his discharge and no per diem shall be allowed for any day upon which attendance is not so reported, except in cases of sick-

ness, while absent from home as such juror or witness which fact must be stated under oath to the court by the juror or witness or some person on his behalf cognizant of the facts, whereupon the court may order the allowance per diem for such number of days as may be just and equitable.

Statement.

Said statements made under oath as aforesaid must be filed with the clerk and preserved for reference as hereinbefore provided.

Sec. 8. No witness for a defendant in a criminal case shall be subpoenaed, paid mileage or per diem by the Territory, except upon an order of the court when said defendant is awaiting trial for a felony or indictable misdemeanor. Said order can, only be made upon affidavit made by defendant in person showing:

Witnesses for Territory.

First—That said defendant is impecunious and unable to pay the per diem and mileage of said witness.

Second—That the evidence of said witness is material for defendant's defense as he is advised by his counsel and

Third—That said defendant cannot safely proceed to trial without said witness. If said facts are not successfully controverted by the district attorney or by affidavit of some person cognizant of the facts, the court may issue an order as aforesaid directing that said witness if within the Territory be subpoenaed and paid per diem and mileage by the Territory the same as witnesses for the prosecution.

When subpoena may be issued by Territory.

Sec. 9. Hereafter and until the first day of April A. D. 1892 phonographic reporters in territorial criminal cases shall receive ten (\$10.00) dollars per diem for taking testimony and other proceedings of the court in said cases and fifteen cents per one hundred words for transcribing the same and shall be paid upon presentation of the certificate of the clerk of said court as hereinafter provided, *provided*, that in civil cases where the parties so request no reporter shall be engaged.

Compensation of reporters.

Sec. 10. At the close of each term of the district court, the clerk of said court shall issue to the phonographic reporter thereof a certificate to be approved by the court showing the actual number of days said reporter was engaged in taking testimony and other proceedings of the court in territorial criminal cases and also the number of folios of such proceedings transcribed by said reporter, together with the amount due for the services so rendered.

Reporter's certificate.

Sec. 11. The following named persons are hereby appointed court commissioners, whose term of office shall expire on the fifteenth day of April A. D. 1892 to-wit: H. H. Rolapp who shall act as commissioner for the northern division of the first judicial district; John W. Turner who shall act for the southern division of the first judicial district Benj. Bennett for the second judicial district and Geo. D. Pyper for the third judicial district. In case of the failure or omission of said persons from any cause to accept said office or in case of a

Appointment of court commissioners



Vacancy.

vacancy by death, resignation or from any other cause, in either of said offices the clerk of the county in which the district court is held shall be the commissioner of said court, and qualify as such as in this act provided for the qualifications of commissioner.

Sec. 12. Each of said court commissioners within thirty days after the passage of this act or the county clerk immediately after receiving knowledge that the duties of said office have devolved upon him as in this act provided shall qualify by subscribing to the oath of office and filing a bond in the penal sum of ten thousand dollars, with at least two sufficient sureties, with the territorial auditor of public accounts which bond must be approved by him.

Court certificates.

Sec. 13. It shall be the duty of each of said commissioners to examine all court certificates under the provisions of this act presented to him and compare them with the records of the court. He shall have access to all records, papers and statements except indictments or other proceedings before the grand jury touching upon service rendered by jurors, witnesses and phonographic reporters, and may administer oaths or affirmations to the holder of any such certificate, or the person to whom it was issued and examine him regarding the service performed, miles traveled etc. If the commissioner is satisfied that the service has been performed and the certificates are correct, he shall allow the amount claimed, and if incorrect shall increase or decrease the sum to the correct amount.

Payment of fees.

Limit of surplus.

Sec. 14. Said commissioners are authorized to draw upon the auditor of public accounts for sufficient amount to pay said jurors, witnesses and phonographic reporters upon presentation of said certificates when audited and corrected as herein provided. *Provided:* that neither of said commissioners shall at any time have on hand more than five thousand dollars for the purposes herein mentioned.

Commissioners to keep accounts.

Sec. 15. They shall keep an accurate account of all moneys drawn by them to whom and when paid and the cause of disbursement, and they shall disburse no money except upon the presentation of said court certificates, and when payment is made thereupon said certificate shall be taken up, cancelled, registered and filed, together with a statement of account, annually with the auditor of public accounts, who shall audit the same and certify to the correctness thereof, and receipt to such commissioner for the same.

To report to legislature.

Sec. 16. During the first ten days of the session of the next legislative assembly, said commissioners shall transmit to said assembly reports of their proceedings under this act. For their services under this act, the said commissioners in the northern division of the first and in the second judicial districts shall each receive a compensation of three hundred dollars per annum, and the said commissioner in the southern division



of the first judicial district shall receive a compensation of four hundred and fifty dollars per annum, and the commissioner in the third judicial district shall receive a compensation of six hundred dollars per annum to be paid by the territorial treasurer upon the warrant of the auditor of public accounts, out of the amount appropriated and set apart in the next section.

Compensation.

Sec. 17. The territorial treasurer for the purpose of carrying out the provisions of this act, is hereby required to set apart and reserve in a separate fund to be known as the fund for the payment of jurors, witnesses and phonographic reporters; all moneys appropriated for said purpose, to be paid out only upon the auditor's warrant in favor of said court commissioners for the purposes and in the manner provided in this act. *Provided*, the treasurer shall not retain in said fund more than one-half of the money appropriated for jurors, witnesses and phonographic reporters at any one time.

Fund for payment of fees, etc.

Limit of surplus.

Sec. 18. Every witness, juror, phonographic reporter, or other person, to whom an oath has been administered under the provisions of this act, who shall state as a fact any matter which he knows to be untrue shall be guilty of perjury.

Perjury.

Sec. 19. Every clerk of the district court who shall certify as a fact any matter which he knows to be untrue whereby any witness, juror, or phonographic reporter shall be allowed a greater sum than he would otherwise be entitled to under the provisions of this act, shall be guilty of a misdemeanor.

Penalty for clerk making untrue certificate.

Sec. 20. Every court commissioner who shall audit any court certificate provided for in this act, and wilfully allows a greater or less amount thereon than should be allowed under this act, or who shall require any grand juror or witness before the grand jury to state any fact other than such as relate to the attendance and mileage of such juror or witness shall be guilty of a misdemeanor.

Penalty for misconduct of commissioner.

Sec. 21. No person connected officially with either of the district courts of this Territory nor any public officer shall be interested either directly or indirectly, by purchase or otherwise, in any certificate issued for the services of jurors or witnesses under this act, and any person violating the provisions of this section is guilty of a misdemeanor.

Court officers prohibited from dealing in certificates

Sec. 22. This act shall take effect on the first day of April, one thousand eight hundred and ninety.

Approved March 13, 1890.

## CHAPTER LXIX.

## RELIEF OF CITIES AND TOWNS ON PUBLIC LANDS.

AN ACT supplementary to, and amendatory of, 'An Act prescribing rules and regulations, for the execution of the trust arising under 'An act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2nd, 1867" approved February 17, 1869 and the amendments thereto.'

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all deeds and conveyances heretofore executed by any city in this Territory in its corporate name, of lands held in trust by the mayor, are hereby validated and confirmed, and shall have the same effect and operation as though executed by the mayor.

Validating deeds  
issued by cities.

Sec. 2. All deeds heretofore made and executed by the mayors of cities and probate judges of counties in this Territory, which have been acknowledged before and certified by city recorders and county clerks in this Territory, shall have the same force and effect, and the record thereof shall impart notice to the same extent as though the acknowledgment had been made, taken and certified, as required by the law in force at the time of such execution and acknowledgment.

Validating irregularly  
acknowledged  
mayor's deeds.

Sec. 3. This act shall take effect from and after its approval.

Approved March 13, 1890.

## CHAPTER LXX.

## LOAN, TRUST AND GUARANTY ASSOCIATIONS.

AN ACT to provide for the incorporation and management of Loan, Trust and Guaranty Associations.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That loan, trust or guaranty associations which may heretofore have been incorporated, or which may hereafter be incorporated under the provisions of this act for the insurance of owners of real estate from loss by reason of defective titles, liens and incumbrances or for other purposes shall have the power and right.

Powers and rights.

First—To make insurances of every kind pertaining to or connected with titles to real estate

Insurance.

Second—To act as assignees, agents, receivers, guardians of the estates of minors and incompetent persons, executors, administrators, and to execute trusts of every description not inconsistent with the laws of this Territory or of the United States.

Guardians, re-  
ceivers, etc.

Third—To become sole security in any case where by law one or more sureties may be required for the faithful performance of any trust, office, duty, action or engagement. Security.

Fourth—To sell and mortgage real estate or personal property and to loan money on real estate security or otherwise. But such corporation shall not have power to enter into the buying and selling of real estate as a business. Loan money.

Fifth—To receive deposits of money and to pay an agreed rate of interest on the same. Deposits.

Sixth—To act as security for the faithful performance of any contract entered into with any person or municipal or other corporation, or with any state or government, by any person or persons, corporation or corporations. Security on contracts.

Seventh—To become sole security for the faithful performance of the duties of any national, state, territorial, county or municipal officer, or of any clerk or employee of any corporation, firm or individual, and to execute such bonds or recognizances as may be required by law in such cases. Official bonds.

Eighth—To become security upon any writ of error or appeal or in any proceeding instituted in any court of this Territory in which security may be required; *Provided*, however, that nothing in this act shall be so construed as to dispense with the approval of such body, corporation, court or officer as is by law now required to approve such security. Security in court.

*Provided however*, that before exercising any of the powers mentioned in this section, each such corporation shall have paid up of its capital not less than one hundred thousand dollars, if transacting business in cities of the first class, and not less than twenty-five thousand dollars if transacting business in cities of the second or third class, which amount of its capital shall be paid up in money and not by the transfer of any other property, and such amount of capital shall, by such corporations be kept in money on hand or on deposit in banks or invested in first mortgages on real estate situated in Utah Territory, the amount invested in any mortgage not to exceed fifty per cent of the value of the land so mortgaged or in bonds of first or second class cities of this Territory, or in bonds of Utah Territory, or of the United States. Paid up capital.

Sec. 2. Every corporation referred to in Section 1 of this act shall make and publish in some newspaper of general circulation in the county in which its principal place of business in this Territory is situated, a statement of its resources and liabilities at least twice in each year, at such times as the examiner hereinafter provided for shall call upon it for the same; *provided*, that said examiner shall call for said statements as of a date at least five days previous to the date upon which said call is issued. Statement of resources.

Sec 3. The secretary of the Territory shall be examiner of such corporations and he shall not less than once in each



Examination of  
affairs.

year and oftener if he shall deem necessary or proper, either in person or by agent duly appointed by him, make a thorough examination into all the affairs of any such corporation, and in so doing, may examine any of the officers and agents thereof or other persons on oath, and shall make a full and detailed report in writing of the condition of the corporation which shall be filed in the office of said examiner, and which shall be open for the inspection of all persons doing business with such corporation. Such examiner or his agent shall receive for his services, the sum of ten dollars per day and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the corporation by him examined. No person shall be appointed to be such agent for said examiner to examine the affairs of any corporation of which such agent is a director, officer, stockholder or employee.

Compensation.

Refusal to allow  
examination.

Sec. 4. If on such examination the said examiner determines that the provisions of Section 1. of this act have not been complied with or if any such corporation refuse to permit such examination, then he shall in writing notify such corporation to discontinue business. And after such failure to comply with the provisions of Section 1. or refusal to permit such examination and after receiving the notice aforesaid it shall be unlawful for such corporation to continue business, and upon the application of the said examiner and at the cost of such corporation, the district court of any judicial district in which such corporation transacts business may appoint a receiver for the same and may proceed to dissolve said corporation and distribute its assets to those entitled thereto. Any such receiver so appointed shall be invested with all of the powers and authority, both original and delegated, of such corporation for the purpose of winding up its affairs and completing its trusts.

Notice to discon-  
tinue business.

Receiver.

Counsel fees.

Sec. 5. On any application made under the provisions of the last preceding section to any court having jurisdiction to dissolve any such corporation, reasonable counsel fees in such proceeding shall be allowed to said examiner to be paid by the corporation or out of its assets.

Securities.

Sec. 6. Whenever any such company shall receive and accept the office or appointment of assignee, receiver, guardian, executor, administrator, or to be directed to execute any trust whatever, the capital of the said company shall be taken and considered as security required by law for the faithful performance of the duties as aforesaid and shall be absolutely liable in case of any default whatever, and no bond shall be required of it for the faithful performance of such trust.

Sec. 7. When any such corporation is appointed as executor, administrator, guardian or receiver or acts as a surety any oath or affidavit now required by law to be taken on such



appointment or when so acting, may be taken by any officer of such corporation in its behalf.

Sec. 8. The powers conferred by this act, shall apply to all corporations now existing or hereafter to be incorporated for the purpose of ensuring titles or of doing business as a loan, trust, or guaranty association. Application of act.

Approved March 13, 1890.

## CHAPTER LXXI.

### PROBATE COURTS.

AN ACT authorizing Probate Courts to grant orders in certain cases without publication of notice other than by posting.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any probate court of this Territory is hereby authorized to grant orders admitting wills to probate, orders settling and allowing annual, and final accounts of executors or administrators and orders of distribution and partition of estates of decedents without giving any notice of the hearing thereof by publication or otherwise than as herein provided, whenever it shall appear on the hearing of the application for such order that all the heirs devisees and legatees or their legal representatives and all parties who appear from the records or files of the court to have any interest in said estate shall consent thereto in writing signed by each of them and verified by one or more of the signers *provided* that notice of the hearing of the application for such order shall be given by the clerk of said court by filing the same in writing in the office of said clerk and by posting a copy thereof for a period of ten days prior to said hearing in some conspicuous place at the courthouse where said court is usually held. Power to grant orders without publication.

Sec. 2. The notice provided for in the preceding section in the cases and under the conditions therein named, shall be sufficient in all such cases unless the probate judge shall otherwise order in which case said notice shall be given as provided by law. Proviso.

Sec. 3. All laws in conflict with this act are hereby repealed.

Sec. 4. This act shall take effect upon its approval.

Approved March 13, 1890.

## CHAPTER LXXII.

## SCHOOLS.

## ARTICLE.

- I. Territorial commissioner.
- II. County superintendents.
- III. Examinations and certificates.
- IV. School districts.
- V. Election of school trustees.
- VI. Powers and duties of school trustees.
- VII. Vacancies.
- VIII. Duties of teachers.

## ARTICLE.

- IX. Text books.
- X. School fund.
- XI. Territorial and county school tax.
- XII. Special school tax.
- XIII. Miscellaneous.
- XIV. Bonds.
- XV. Schools in cities.

AN ACT to provide for a uniform system of Free Schools throughout Utah Territory.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah :*

## ARTICLE I.

That the commissioner of schools within and for this Territory shall receive an annual salary of fifteen hundred dollars, and his necessary expenses when traveling on official business, to an amount not exceeding five hundred dollars per annum.

Salary of territorial commissioner.

Administration.

Apportionment.

Abstract.

Certificate.

Blanks, etc.

Cost.

Vouchers.

Warrant.

Shall visit each county.

Sec. 2. The commissioner shall be charged with the administration of the system of public instruction and a general superintendence of the business relating to district schools of the Territory, and of the school revenues set apart and appropriated for their support. He shall apportion to the several counties, on or before the thirty-first day of December of each year, the amount of money to which each county is entitled, under the provisions of this act, according to the number of persons between the ages of six and eighteen years, residing in such county, as shown by the last school census lists of the several counties and furnish to each county treasurer and county superintendent an abstract of such apportionment. He shall also certify such apportionment to the territorial auditor, and, upon receiving such certificate the auditor shall forthwith draw his warrant on the territorial treasurer in favor of the county treasurer of each county for the amount due said county.

Sec 3. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports, and the necessary blanks therefor, school registers, and all necessary instructions for the organization and government of district schools, and conducting all necessary proceedings under this act. The cost of such blank forms, and school registers shall be paid out of the territorial school fund, and the vouchers therefor shall be certified to by the commissioner, and filed with the territorial auditor, who shall draw his warrant on the territorial treasurer in favor of the person to whom said amount is due. He shall visit each county in the Territory at least once in each year, and may examine the auditor's books and records relative to school

revenues. He shall meet with such school officers as may attend his appointment, advising with the teachers, and lecturing to institutes and public assemblies upon topics calculated to promote the interests of education.

Sec. 4. He shall advise with the county superintendents upon all matters involving the welfare of the schools. He shall, when requested by superintendents or school officers, give them written answers to all questions concerning the school law. On the recommendation of the examining board of any county the territorial commissioner of schools may issue to duly qualified teachers, of not less than five years experience, territorial certificates valid for five years, and such certificate shall be good in any county of this Territory.

Sec. 5. During the first week of the regular session of the Legislature said commissioner shall present to the Governor and Legislative Assembly a biennial report of his administration of the system of public instruction. He shall cause one thousand copies of his report and the laws relating to schools, to be printed in pamphlet form and distribute them to all school officers and schools. For the expenses of printing as provided for in this section, a biennial appropriation of four hundred dollars, or so much thereof as may be necessary, is hereby ordered to be paid out of the territorial treasury as in other cases. The commissioner in his report shall furnish a brief exhibit:

First. Of his labors, the results of his experience and observations as to the operation of said system, and suggestions as to the remedy for imperfections.

Second. Of the amount of the school revenue and its general condition as to sufficiency or insufficiency.

Third. Of such plans as he may have matured for the better organization of the schools, and for the increase and economical expenditure of the revenue for tuition.

Fourth. A comparison of the results of the two years then closing, with those of the years preceding, indicating the progress of public instruction; and as far as can be ascertained, the number and condition of private schools, academies and colleges in the Territory.

Fifth. A full statement of the condition and amount of all funds and property appropriated for the purposes of education; the number and grade of schools in each county, the number of children in each county between the ages of six and eighteen years, the number of such attending district schools, the average number of children that have attended district schools during the two school years previous to July first of that year the number that can read and write the amount of school money raised by county taxation or otherwise, the amount expended for salaries of teachers, and for building schoolhouses.

Sec. 6. He shall append to his report such information relative to the system of public instruction—the schools, their annual revenues, etc., as may be of interest to the Territory. He



shall include in his report statistical tables compiled from information transmitted to his office with summaries, averages and totals appended thereto, also a statement of the annual collections of school revenue, and his apportionment thereof; and when he deems it of sufficient interest, he shall append extracts from the correspondence of school officers, showing either the salutary or defective operation of the system. He shall furnish the United States commissioner of education at Washington such information as that officer may require.

Sec. 7. At the end of every three months, he shall file with the territorial auditor an itemized account of his expenses, verified by his oath. The auditor shall examine the same, and, if the account is correct, he shall issue an order on the territorial treasurer for the amount due on such account, and for one-fourth of the commissioner's annual salary; *Provided*, at the last quarterly report of each year, he shall, before receiving his salary, file with the auditor his affidavit showing what counties he has visited according to the provisions of this act. Fifty dollars shall be deducted and withheld from his salary for each county not so visited. At the expiration of his term of office he shall deliver to his successor all books, records, documents, maps, reports papers, and other articles pertaining to his office.

Expense account.

Duty of auditor.

Affidavit showing counties visited.

Penalty.

Expiration of term.

## ARTICLE II.—County Superintendents.

Sec. 8. At the general election for the year 1891, and biennially thereafter, there shall be elected for each county in this Territory, a county superintendent of district schools, who shall be a registered voter therein and whose term of office shall be two years and until his successor is elected and qualified; before entering upon the duties of his office, the superintendent shall qualify by taking and subscribing an oath of office and giving a bond, for the faithful discharge of his duties, in the penal sum of one thousand dollars, with sureties to be approved by the probate judge of the county, which oath and bond shall be filed with the clerk of the county court, and the said superintendent shall be commissioned by the Governor *provided*, that voters residing within the limits of school districts provided for in Article XV of this act, shall not be permitted to vote for the election of county superintendents.

Election of county superintendents.

Oath and bond.

Commission.

Who not entitled to vote.

Sec. 9. The county superintendent shall have the general superintendence of all district schools in his county, except the district schools provided for in Article XV of this act.

Powers.

Sec. 10. It shall be the duty of every county superintendent to ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the county court, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall immediately report the fact to the county court, who shall change said boundaries so as to make them harmonize.

Boundaries of school districts.



Sec. 11. He shall visit every district school under his supervision within the county at least twice in each school year, and oftener, if necessary to increase its usefulness. He shall at such visits carefully observe the condition of the school, the mental and moral instructions given, the methods employed by the teacher, and the progress of the pupils. He shall advise and direct the teachers in regard to the instruction, classification, government and discipline of the school and the course of study. He shall keep a record of such visits and by memoranda indicate his judgment of the teachers' ability to teach and govern, and the condition and progress of the school, which information shall be used for or against teachers at the time of their examination for certificates.

To visit district schools.

Record of visits.

Sec. 12. He shall keep a record of all his official acts, preserve all books, maps, charts, and apparatus, belonging to his office, file all reports and statements from teachers and school trustees and deliver them to his successor in office.

Duties.

Sec. 13. The county superintendent may arrange for meetings with school officers at designated times and places, due notice of which shall be given, for the purpose of inspecting the district records, insuring their accuracy and instructing in the manner of keeping the same and of preparing the reports of district officers.

Meetings.

Sec. 14. He shall decide all controversies, pertaining to discipline, arising in the administration of the school law in his county or appealed to him from the decision of school trustees.

Controversies.

Sec. 15. The county superintendent shall have power to administer oaths of office to all subordinate school officers, and witnesses, and examine them under oath, in cases that may come before him for investigation, but he shall not receive pay for administering such oaths.

Oaths of office.

Sec. 16. He shall see that the pupils are instructed in the several branches of study, required by law to be taught in the schools, as far as they are qualified to pursue them. If any teacher neglect or refuse to give instruction on any subject required by law the county superintendent shall promptly report the fact to the county board of examiners who after due examination and inquiry may revoke such teacher's certificate and cause him to be discharged.

Instruction.

Sec. 17. On or before the first day of August in each year he shall make and transmit to the territorial commissioner an annual report containing such statistics as may be required by this act; such report shall be made upon and conform to the blanks furnished by said commissioner for that purpose. He shall not receive any compensation for the last quarter in his official year until he presents to the county court the territorial commissioner's receipt for such report.

Annual report.

Sec. 18. The county superintendent shall be paid four dollars per day for each day's service rendered, and five cents a mile for the distance actually and necessarily traveled by him in

the discharge of his official duties. At the end of each three months, he shall make and present to the county court an itemized statement, verified by him, showing the number of days actually and necessarily spent in the discharge of his official duties, and the distance so traveled; which statement shall be audited and if found correct, said court shall order the same paid out of the county school fund.

Sec. 19. The county superintendent may appoint a deputy, who shall be a registered voter and for whose official acts and compensation he shall be responsible.

Sec. 20. The county superintendent shall annually hold a teachers' institute for the instruction of teachers, and those who desire to teach, and procure such assistance as may be necessary to conduct the same. Said institute shall be held at such times as the district schools in the county are generally closed, and it shall be the duty of the county superintendent to see that all teachers in his county are notified of the time and place of holding the same; such institute, shall hold a session of not less than two nor more than five days. The actual expense of holding the institute, which shall not exceed fifty dollars in any one year, shall be paid out of the county school fund, upon the warrant of the county superintendent, accompanied with vouchers showing to whom and for what purposes the money was paid. Union institutes may be held by two or more counties, with an additional expense of not more than fifty dollars for each additional county represented, the whole expense thereof to be divided equally among the counties so represented.

### ARTICLE III.—*Examinations and Certificates.*

Sec. 21. The county board of examiners shall consist of the county superintendent, who shall be the chairman, and two competent persons, registered voters resident in such county, who shall be appointed by the county court, for a term of two years. The county court shall determine the compensation of the two examiners thus appointed and shall have power to remove them or either of them for misconduct or inability, and to fill any vacancies occurring in the office of either of the said two appointees.

Sec. 22. The county board of examiners shall hold teachers' examinations during each year, at such times as the chairman may direct. If from the percentage of correct answers required by the rules, and other evidences disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's experience as a teacher, the applicant is found to be a person of good moral character, and to possess such knowledge and understanding, together with aptness to teach and govern as will enable the applicant to teach in district schools of the Territory the various branches required by law, said board of examiners shall grant to such applicant a certificate of qualification.

Sec. 23. Certificates of qualification shall be of three grades: The first grade territorial certificates which may be issued by the commissioner of schools on the recommendation of county examiners for a term of five years. the second grade for a term of two years, the third grade for a term of one year, according to the ratio of correct answers to questions asked of each applicant and other evidences of qualification appearing from the examination. No certificate shall be granted unless the applicant be found proficient in and qualified to teach the following branches of a common English education, viz.: Reading, writing, spelling, English grammar, geography, United States history, arithmetic, physiology and hygiene; and for a first grade certificate a candidate must pass in addition to the foregoing a satisfactory examination in civil government, physical geography, elements of natural philosophy, elementary algebra, and book-keeping. The percentage required to pass any branch shall be prescribed by the board of examiners. In addition to these regular grades of certificates the county superintendent may grant temporary certificates valid until the next regular meeting of said board.

Grade: of certificates.

Branches required.

Temporary certificates.

Sec. 24. No certificate or permission to teach shall be issued to any person under eighteen years of age; and no second grade certificate shall be issued to any person who is under twenty-one years of age, and who has not taught successfully ten school months. The certificates issued by a county board shall be valid only in the county where issued. *Provided*, That a second grade certificate shall be valid in any other county in the Territory when endorsed by the superintendent of that county. No person shall be employed or permitted to teach in any of the district schools of the Territory, who is not the holder of a lawful certificate of qualification. *Provided*, That all normal diplomas issued after the passage of this act by the University of Deseret shall entitle the holder to a third grade certificate subject to the limitations expressed in this section. Any contract made in violation of this section shall be void.

To whom not issued

Where valid.

Normal diplomas.

Sec. 25. The county board of examiners is authorized and required to revoke, for immoral or unprofessional conduct or evident unfitness for teaching, the certificate granted by them.

When certificate to be revoked.

#### ARTICLE IV.—*School Districts.*

Sec. 26. Every school district now or hereafter created shall be and is hereby constituted a district corporation to be designated as — school district of — county. Territory of Utah, with its proper name inserted in the blank before the word school, and the proper name of the county inserted in the blank before the word county, and in its own proper name as such corporation may sue and be sued, contract and be contracted with and it may acquire, purchase, convey and hold real and personal property for school purposes.

District corporation.

Sec. 27. Each county and city, unless subdivided by proper authority, shall form a school district.



Creation of districts. Sec. 28. The county court of any county shall create into a school district any territory not already so created, upon being petitioned so to do, by so many residents of such territory as have the care and custody of not less than twenty children of school age residing therein. The county court may change the boundaries of any school district now existing or hereafter organized when in their judgment the interests of the schools require it, or when petitioned so to do by a majority of the taxpayers residing within the school district, the boundaries of which will be affected thereby, and number of resident children of school age as in the original organization of a school district.

Change of boundaries.

Sec. 29. In any county hereafter created, the county court thereof shall so divide the county or any part thereof, which has residing therein not less than twenty children of school age, into school districts, as will best promote the permanent interest of the district schools in the county, upon the same petitions and subject to the conditions and restrictions provided in Section 3 of this article.

ew counties.

#### ARTICLE V.—*Election of School Trustees.*

Sec. 30. On the second Monday in July in the year 1890, and annually thereafter there shall be elected by the registered voters residing in each school district, except in school districts provided for in Article XV of this act, one school trustee to serve for the term of three years, and until his successor is elected and qualified.

otions.

Said trustees shall qualify by taking and subscribing the oath of office, and giving bonds to the county in which they reside in such sums and with such sureties as the probate judge of the county, or a justice of the peace of the precinct wherein some portion of said school district is situated may approve, conditioned for the faithful discharge of the duties of their office; said oath of office and bonds shall be filed with the clerk of the county court; *provided*, that at the first election for school trustees, in any new school district, there shall be elected three trustees; one for a term of one year, one for a term of two years, and one for a term of three years, and until their successors are elected or appointed and qualified. The ballots used at such election shall state the name of the person and the length of term voted for.

ow qualify.

First election.

Sec. 31. The trustees, or any two of them, shall constitute a quorum for the transaction of business. They shall meet and organize on or before the last Monday in July in each year, by appointing one of their number chairman, another clerk and another treasurer, and shall at once notify the county superintendent of such organization. Said trustees, when thus organized, shall constitute the district school board.

First meeting of trustees.

Sec. 32. Meetings for the election of trustees, for voting on the rate per cent. of taxes to be assessed, and on the question of issuing bonds, shall be called by the trustees, if the district be

Meetings, how called.



organized, and if not organized then by at least three permanent residents of the district by causing notices to be posted in at least three public and conspicuous places within the district, at least ten days before the time for holding such meeting. Such notice shall state the time, place and object of such meeting, and if the polls are to be open at any such meeting, to determine any question, the notice shall state the hours at which the polls will be opened and closed. All business transacted at such meeting other than that specified in said notice shall be void. The voting at such meetings shall be by ballot. When a tax has been assessed for school purposes at any meeting provided for in this act, the trustees shall file with the county superintendent and county clerk within ten days after such meeting, a copy of the notice calling such meeting and a copy of the minutes thereof, which shall be kept on file by such superintendent and clerk subject to inspection by any person.

Notice.

Business.

Assessment of tax.

Sec. 33. The board of trustees of the district shall five days previous to the day of election for school trustee obtain from the proper officer having the custody of the last preceding registration list, a certified copy of said registration list, showing the names of all registered voters, residing in the precincts, covered in whole or in part by such school district. The board of trustees of the district shall act as judges of election and the clerk of the district school board shall act as clerk. The polls shall be kept open during four successive hours on the day of election. In case of vacancy occasioned by the absence of any of said officers at an election for trustee, the registered voters who are present at the time of opening the polls shall choose a person to fill such vacancy.

Registration list.

Judges of election

When polls open.

Vacancy.

Sec. 34. Immediately after the polls are closed, the judges shall proceed to count and canvass the votes cast at such election. And the person receiving the highest number of votes shall be declared elected.

Canvass of votes.

Sec. 35. The clerk of the school board shall within five days after such election, furnish each person elected with a certificate of election, a copy of which, with the oath of office, must be forwarded immediately to the county superintendent.

Certificate of election.

Sec. 36. At all elections for school trustees, for levying taxes, for voting on the issuance of bonds, or for any other purpose, the judges of election shall register the name of each voter at the time his vote is cast, and shall file such register with the clerk of the district. Such register shall be a public record and subject to inspection by any person. Challenges for cause by any qualified voter shall be allowed at the polls and promptly decided under the provisions of this act by the judges of election.

Register of votes.

Challenges.

Sec. 37. Every male person of the age of twenty-one years or over who has been a resident of the Territory for six months and of the school district for thirty days both immediately preceding the day on which any meeting is held for the purpose of voting on

Who entitled to vote.

the question of levying taxes or issuing bonds for any school district and who has paid a territorial or county school tax in any such district during the preceding year or who has been assessed for any territorial or county school tax in any such district for the year in which any such meeting is held shall be entitled to vote at any such meeting.

#### ARTICLE VI—*Powers and Duties of School Trustees.*

**Powers of board.** Sec. 38. The district school board shall have the general charge, direction and management of the schools of the district, and the care, custody and control of all property belonging to the district subject to the provisions of this act.

**Maintaining and discontinuing schools.** Sec. 39. It shall organize, maintain and conveniently locate schools for the education of the children of school age within the district, or change or discontinue any of them according to law.

**Repairs.** Sec. 40. It shall make all necessary repairs to the school-houses, out-buildings and appurtenances, and furnish fuel and all necessary supplies for the schools.

**Furniture, etc.** Sec. 41. It shall furnish to each school all necessary and suitable furniture, maps, charts and apparatus, including Webster's Unabridged Dictionary. The school register and all school blanks used shall be those furnished by the territorial commissioner.

**Teachers' contracts.** Sec. 42. It shall employ the teachers of the schools of the district, and may dismiss any teacher for violation of contract, immorality or neglect of duty. Every contract for the employment of a teacher must be in writing, but no such contract shall extend beyond the thirtieth day of June next following.

**Admission of pupils from other districts.** Sec. 43. It shall have power to admit to the schools in the district pupils from other districts when it can be done without injuring or overcrowding such schools, and shall have power to make regulations for their admission and to charge and collect reasonable fees for their tuition. It shall have power to arrange with the board of an adjacent district for sending to such district such pupils as can be conveniently taught therein when for any cause such pupils can not be conveniently taught in the district in which they reside, and for paying their tuition. It shall also have power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district and their transfer from one school to another.

**Suspension and expulsion.** Sec. 44. It shall assist and co-operate with teachers in the government and discipline of the schools and make proper rules and regulations therefor. It may suspend or expel from school any pupil insubordinate or habitually disobedient; *Provided*, such suspension or expulsion shall not be for a longer period than ten days nor beyond the end of the current term of school, unless in the judgment of the board such pupil is incorrigible.

Sec. 45. It may permit a schoolhouse, when not occupied for school purposes, to be used for any purpose which will not

interfere with the seating or other furniture or property; but for any such use or privilege, the seats shall not be removed from their places, nor shall the district be at any expense for fuel or otherwise.

Sec. 46. When necessary for the welfare of the schools of the district, or to provide for the children therein proper school privileges, or whenever petitioned to do so by one-third of the resident male taxpayers of the district, as defined in Section 37 of Article V of this act, the board shall call a meeting of such resident male taxpayers at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange, or sale of a schoolhouse site, or the erection, removal, or sale of a schoolhouse. The chairman of the board shall be the chairman, and the clerk of the board secretary of such meeting. In case either of these officers is not present his place shall be filled by some one chosen by such resident male taxpayers. A notice, stating the time, place and purpose of such meeting shall be posted in three public places in the district by the clerk of the district at least ten days prior to such meeting. If a majority of such resident male taxpayers present at such meeting shall by vote select a schoolhouse site, or shall be in favor of the purchase, exchange or sale of a designated schoolhouse site or of the erection, removal or sale of a schoolhouse, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove or sell such schoolhouse, as the case may be, in accordance with such vote of such majority; *Provided*, that it shall require a two-thirds vote to order the removal of a schoolhouse.

Sec. 47. If a petition, signed by the persons charged with the support, and having the custody and care of twenty or more children of school age, all of whom reside two miles or more from the nearest school, be presented to the board asking for the organization of a school for such children, the board may organize such school and employ a teacher therefor.

Sec. 48. The district board shall determine and fix the length of time the school in the district shall be taught in each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of school age. *Provided*, That every district school shall be kept in session not less than three terms in each school year; *Provided further*, that any school may be discontinued, when the average attendance of pupils therein for twenty successive days shall be less than twelve, or when with the consent of a majority of the patrons of such school, proper and convenient school facilities can be provided for the pupils in some other school.

Sec. 49. The board shall annually cause the clerk to make between the fifteenth and last days of July an enumeration of all persons over six and under eighteen years of age residing in the district, giving:



First. The name, age, sex and color of each person.

Second. The number attending district schools.

Third. The number attending private schools.

Fourth. Such other facts as the law may require.

Sec. 50. It shall be the duty of the district board to cause to be set out and properly protected as many shade trees as the size, location and arrangement of the school lot will justify, and such expense shall be paid from the district school fund. It shall be the duty of the county superintendent to see that this requirement is complied with.

Sec. 51. It shall be the duty of the district board, to keep an accurate journal of its proceedings, an account of all moneys paid to the treasurer and of all moneys paid on orders drawn on the treasurer, and prepare and cause to be presented to the voters at the regular annual meeting held on the second Monday in July a statement under oath, showing: First, the moneys on hand at the date of the last annual report, the moneys received by the treasurer since such report, and from what sources received. Second, the amount of sinking fund and how invested. Third, the moneys paid out, to whom and for what paid. Fourth, the balance of school moneys in the hands of the treasurer. Fifth, the number, date and amount of every bond issued and redeemed under the authority given in this act, and the amount received and paid therefor, to which statement shall be added a report showing the management and condition of the schools in the district during the preceding year; a copy of such statement and report, together with such other reports as may be required by the territorial commissioner and for which blank forms have been provided, shall forthwith be filed with the county superintendent.

#### ARTICLE VII.—*Vacancies.*

Sec. 52. Should a vacancy occur in the office of county superintendent of district schools, the county court shall appoint a suitable person to fill the vacancy; such appointee shall qualify and serve until the next general election and until his successor is elected and qualified, and the county clerk shall immediately notify the territorial commissioner of such appointment.

Sec. 53. Should a vacancy occur in the office of trustee of a school district, the remaining trustees shall immediately appoint some qualified elector of the district to fill the vacancy, and such appointee shall qualify and serve until the next annual school election, and until his successor is elected and qualified. *Provided*, in case two or more vacancies occur at the same time in the office of trustee in any school district, the county court of the county in which such district is situated shall appoint to fill such vacancies.

Sec. 54. A vacancy in the office of trustee vacates the office which such trustee held in the school board and such vacancy shall be filled by appointment of the board.

Sec. 55. Any officer of a school district may resign but such resignation shall not take effect until a successor has qualified, according to law. Any office of a school district shall be deemed



vacant if the person duly elected or appointed thereto shall remove from the district, or neglect or refuse, for the period of twenty days after such election or appointment, to accept and qualify for such office. Resignation.

### ARTICLE VIII.—*Duties of Teachers.*

Sec. 56. Every teacher on commencing a term of school shall give written notice to the county superintendent of the time and place of beginning such school and the time it will probably close. If such school is to be suspended for more than one week at any one time in said term, the teacher shall notify the county superintendent of such proposed suspension. Opening of term.  
Suspension of school.

Sec. 57. No teacher shall be entitled to any compensation for teaching in any district school unless he is the holder of a certificate, valid and in force in the county where such school is taught, provided that if a teacher's certificate shall expire by its own limitation within six weeks of the close of a term, the holder may finish such term without re-examination or renewal of certificate. Must hold certificate.

Sec. 58. Every teacher shall keep a school register, and at the close of each term make a report in such form and containing such items, as shall be required by law. Such report shall be made in duplicate, one copy of which shall be filed with the clerk of the district and one copy filed with the county superintendent. No teacher shall be paid the last month's salary of any term, until the report for such term shall be filed as herein required. School register.

Sec. 59. The school year shall begin on the first day of July of each year and close on the last day of June of the year following. A school week shall consist of five days, a school month of twenty days, and a school term of ten weeks. No school shall be taught on a legal holiday, nor on any Saturday without the consent of the trustees. A legal holiday falling upon a day which otherwise would be a day of school shall be counted a day of school, and the teacher shall be paid therefor. School calendar.

Sec. 60. Every teacher in the district schools shall teach pupils, when they are sufficiently advanced to pursue the same, the following branches to wit: reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, physiology and hygiene, giving special instruction concerning the nature of, and effects produced by the use of alcoholic drinks, stimulants and narcotics. Branches to be taught.

Sec. 61. When a teachers' institute is appointed to be held for any county, it shall be the duty of the county superintendent to give written or printed notice of the time and place of holding such institute, at least ten days before the opening of the same, to each teacher in the district schools in the county, and as far as possible to all others not then engaged in teaching, who are holders of teachers' certificates. Each teacher receiving such notice who is engaged in teaching during a period which includes the time of holding such institute shall close school during the holding of such institute and attend the same, and shall be paid by the school board of the district one-half of his regular salary as teacher for the time, during which he attended such institute as certified by the county superintendent. The certificate of any teacher may be revoked by the county board of examiners when upon Notice of teachers institute.  
Closing of school.

When certificates  
may be revoked.

due examination and inquiry it appears that he is guilty of inexcusable neglect or refusal to attend a teachers' institute held for such county.

Suspension of  
pupils.

Sec. 62. A teacher may suspend from school for not more than five days at any one time any pupil for insubordination or habitual disobedience or disorderly conduct. In such case the teacher shall give immediate notice of such suspension, and the reason thereof, to the parents or guardian of such pupils and also to some member of the district school board.

Assignment of  
studies.

Sec. 63. It shall be the duty of the teachers to assign to each pupil such studies as he is qualified to pursue and to place him in the proper classes; *Provided*, that in graded schools the principal or superintendent shall perform such duty.

Injuring school  
property.

Sec. 64. Teachers shall enforce the use of text books and the rules and regulations prescribed for schools. Any pupil who cuts, defaces, or otherwise injures any school property is liable to suspension from school and upon complaint of the teacher or any trustee, the parent or guardian of such pupil shall be liable for all damages.

Religious doctrines.

Sec. 65. No atheistic, infidel, sectarian, or denominational doctrine shall be taught in any of the district schools of this Territory. Moral instruction tending to impress upon the minds of the pupils the importance of good manners, truthfulness, temperance, purity, patriotism and industry, shall be given in every district school.

Supplies may be  
furnished free.

Sec. 66. Necessary text books and supplies may be furnished by the school board, free of charge to indigent pupils. Such books and supplies shall be used under the direction of the teacher.

Sec. 67. All district school in this Territory shall be taught in the English language.

#### ARTICLE IX.—*Text Books.*

Convention to  
decide on text  
books.

Sec. 68. The commissioner of schools, county superintendents and the president of the faculty of the University of Deseret, or a majority of them, shall at a convention called by the commissioner of schools, for that purpose decide what text books shall be adopted in the district schools, and their use shall be mandatory in all the district schools of the Territory; *Provided*, that text books, so adopted shall not be changed within a period of five years after their adoption, except for sufficient cause to be decided at a special convention, called for that purpose, and any teacher changing any of such text books shall forfeit his eligibility as a teacher.

Changes.

Notice of conven-  
tion.

Sec. 69. At least sixty days notice of the time of holding any such convention must be given by publication in a newspaper having general circulation in this Territory. Said notice shall state the subjects upon which text books will be adopted; that sealed proposals will be received by the commissioner of schools for furnishing such books; the place where, and the day and hour when all proposals will be opened, and that the convention reserves the right to reject any or all proposals.

Meeting.

Sec. 70. At the time and place specified in said notice the convention shall meet and publicly open and read all the proposals which have been received, and shall make their awards thereon within three days thereafter.

Sec. 71. Sealed proposals must be accompanied by sample copies of the books proposed to be furnished, together with a statement of the introductory and exchange price, and of the wholesale and retail

prices at which the publisher agrees to furnish each book within this Territory during the full time for which said books may be adopted. Proposals.

Sec. 72. If no satisfactory proposals are received, then the books already in use shall continue in use until changed as herein provided.

Sec. 73. The publisher or publishers, whose proposals shall be accepted, must enter into a written contract with the commissioner of schools, and shall give a bond with two sufficient sureties in a reasonable sum, to be fixed by the convention, for the faithful performance of such contract. Contract of publishers.

Sec. 74. If the trustees of any district refuse or neglect to enforce the use of the text books adopted by the convention, such refusal or neglect shall be a misdemeanor on the part of any trustee so refusing or neglecting, and shall be punishable by a fine not exceeding one hundred dollars, and by removal from office. Enforcement of use of text books.

#### ARTICLE X.—*School Fund.*

Sec. 75. The county superintendent of each county shall apportion the territorial and county school funds, to the several school districts thereof, according to the number of children residing in each district, over six and under eighteen years of age as appears from the last enumeration. Apportionment.

Sec. 76. No school district shall receive any apportionment of school moneys unless such district shall have maintained a school therein for at least twenty weeks during the next preceding school year, but any new district formed by the division of an old one is entitled to its apportionment when school has been maintained in the old district before division, or in the new district after division, or in both, at least twenty weeks in all; *Provided*, that when by reason of fire, flood, or other uncontrollable causes, school has not been maintained the length of time required by this section, the district may still draw its apportionment. When entitled to apportionment.

Sec. 77. Any newly organized school district shall be entitled to its proportion of the territorial and county fund which has been apportioned to the district or districts from which it was created. New districts.

Sec. 78. When the average attendance in any school district for twenty consecutive weeks in any school year falls below twelve, except for reasons mentioned in Section 76 of this act, the county superintendent is hereby authorized to withhold its proportion of the school fund for such part of the year in which no school is taught and apportion it to other districts. When withheld.

#### ARTICLE XI.—*Territorial and County School Tax.*

Sec. 79. The territorial treasurer shall receive and hold as a special fund, all public school moneys paid into the territorial treasury, and pay them over on the warrant of the territorial auditor issued upon the order of the territorial commissioner of schools in favor of the county treasurer of each county for the amount due said county. Public school moneys.

Sec. 80. The county superintendent shall on or before the first Monday in January of each year, furnish the county court an estimate in writing of the amount of school funds needed for the ensuing year. Estimate of school funds.

Sec. 81. Whenever the estimate of the county superintendent shows a necessity therefor, the county court of the county, at the time of making the annual levy of other county taxes, must levy a county



Levy of county  
school tax.

school tax sufficient to raise the amount reported by the county superintendent and as much as may be necessary to comply with the provisions of Section 2008 of the Compiled Laws of Utah of 1888, as amended in the year 1890. Said tax shall be collected, and paid into the treasury of the county to the credit of the county school fund.

District school  
moneys.

Sec. 82. The county treasurer shall receive and hold as a special school fund, subject to the orders of the county superintendent, all district school moneys from whatever source received, and keep a separate account thereof, and when the same is apportioned to the school districts, shall open and keep a separate account with each district. He shall on or before the first day of August in each year, make a report to the territorial commissioner, showing:

County treasurer's  
report to commis-  
sioner.

First. The amount of moneys on hand at the commencement of the school year.

Second. The amount of moneys received from the territorial school fund.

Third. The amount received from the county school tax.

Fourth. The amount received from other sources.

Fifth. The total expenditures for school purposes.

Sixth. The balance on hand at the end of the school year.

Compensation.

The county treasurer shall receive such compensation out of the county school fund as the county court may determine, for services rendered by him in pursuance of this act.

## ARTICLE XII.—*Special School Tax.*

Levy.

Assessor and  
collector.

Bond.

Compensation.

Sec. 83. When it is necessary to raise funds to purchase a school site or improve the same, or to purchase, build, rent, repair or furnish school houses, a tax shall be levied in any sum not to exceed one per centum of all taxable property in the district at a meeting called for that purpose. The county assessors and collectors of the several counties of the Territory are hereby constituted the assessors and collectors of all district school taxes. Each shall give a bond in such sum as shall be determined by the county court, conditioned for the faithful performance of the duties enjoined upon him by the provisions of this act, and the compensation for assessing or collecting said taxes shall not exceed fifty per cent. of the rate allowed for assessing and collecting county taxes, but where the county assessor or collector receives a stated salary, then no charge shall be made for assessing or collecting such taxes.

Computation.

Returns.

Notice.

Sec. 84. All school taxes levied by a special meeting called for that purpose, shall be computed from the valuations of the county assessment roll, and shall be levied on or before the 31st day of December of any year, and within ten days after any such levy the school board shall make certified returns of the per cent. of the taxes so levied to the county clerk and the county assessor. The county assessor shall assess for such special tax, at the time and in the manner provided by law for assessing for territorial and county taxes, and shall give to the district school taxpayers similar notices to those which are required by law to be given to taxpayers of territorial and county taxes.

Equalization.

Sec. 85. At the time of computing the county and Territorial tax, the county clerk shall compute the district school taxes which have been levied. The county court shall sit as a board of equaliza-



tion of district school taxes and shall equalize the same at the time and in the manner provided by law for equalizing territorial and county taxes.

Sec. 86. All school taxes levied and assessed under the provisions of this act shall attach to and become a lien on the real property assessed from and after the 31st day of August and on the personal property from the time of assessment. School taxes shall become due and delinquent at the same time and be collected by the same officers and in the same manner as territorial and county taxes.

### ARTICLE XIII.—*Miscellaneous.*

Sec. 87. No school officer or teacher in any district school in this Territory shall act as agent for any author, publisher, bookseller or other person to introduce any book, apparatus, furniture or any other article whatever in any district school of this Territory, or directly or indirectly receive any gift or reward for so introducing or recommending the same, and any officer or teacher violating the provisions of this section, shall be guilty of a misdemeanor.

Sec. 88. Every district school shall be open for the admission, free of charge, of all children over six and under eighteen years of age, living in the district. Adults may be admitted to any district school, in the discretion of the board of trustees, at such rate of tuition as the trustees may prescribe.

Sec. 89. The district school boards shall not allow any pupil to attend the district schools, while any member of the household to which such pupil belongs is sick of any infectious or contagious disease, or during a period of two weeks after the death, recovery or removal of such sick person.

### ARTICLE XIV.—*Bonds.*

Sec. 90. Whenever a duly organized school district in any county in this Territory, at any regular or special meeting called and held for that purpose, shall determine by a majority vote to issue school district bonds for the purpose of building and furnishing a schoolhouse, purchasing grounds on which to locate the same; or to fund any outside indebtedness, the trustees may issue such bonds in accordance with the provisions of this act.

Sec. 91. Before the question of issuing bonds shall be submitted to vote in any school district, the trustees shall call a meeting of the voters of such district as defined in Section 37 of this act by notices to be posted in at least five public and conspicuous places in said district, not less than twenty days before such meeting. Said notices shall state the time and place of the meeting, the amount of bonds proposed to be issued and for what purpose, and the time in which they shall be made payable; the voting at such meeting shall be by ballot; all ballots deposited in favor of issuing bonds, shall have thereon the words "bonds, yes," and those opposed thereto shall have thereon the words "bonds, no;" if a majority of the votes cast shall be in favor of issuing bonds, the trustees shall forthwith proceed to issue bonds in accordance with the vote; but if less than a majority of the votes cast are in favor of issuing bonds, there shall be no further action on the question for one year thereafter; *Provided*, however, that the question of issuing bonds shall not be submitted to a vote of

the taxpayers of any district, and no meeting shall be called for that purpose until the trustees are petitioned in writing so to do by one-third of the said taxpayers resident in said school district.

**Bonds.** Sec. 92. The denomination of the bonds which may be issued under the provisions of this act, shall be fifty dollars or some multiple of fifty, not exceeding one thousand dollars, and shall bear interest at the rate of not exceeding six per cent. per annum, payable annually in accordance with interest coupons which shall be attached to said bonds. And no greater amount than three thousand dollars can be issued for any one schoolhouse, except in districts of more than five hundred inhabitants, and in such district the amount shall not exceed two per centum of its assessed valuation, and such bonds shall be made payable not more than twenty years from their date. The trustees may reserve the right to redeem such bonds or any of them at any time after five years from their issue.

**Limit.**

**Redemption.**

**Filing papers.** Sec. 93. Whenever any school district has voted to issue bonds, the trustees of such district shall immediately file with the clerk of the county court of the county in which such school district is situated, a certified copy of the order of the trustees, and certified copies of the notices posted calling such meeting, together with an affidavit, showing when and where said notices were posted, and that they were posted as required by law, and the order of the trustees. The trustees shall also file with the said clerk a statement showing the number of inhabitants and value of taxable property in the district, and that the amount of bonds proposed to be issued does not exceed two per centum of the value of taxable property in the district, which statement shall be subscribed and sworn to by the trustees. The said statement shall also bear the endorsement of the county superintendent of district schools that the meeting was lawfully called and held and the voting of the taxpayers, the canvass of votes cast and all matters in relation to the proposed issue of bonds in said school district were lawfully conducted, and that such bonds may be lawfully issued.

**Statement.**

**Form of bond.** Whenever any bonds are issued under the provisions of this act, they shall be lithographed or printed on bond paper, and shall state upon their face, the date of their issue, the amount of the bond, to whom and for what purpose issued, also the time and place of payment and the rate of interest to be paid. They shall have printed upon the margin the words "authorized by act of the governor and legislative assembly of the Territory of Utah, A. D. 1890," and upon the back of the bonds shall be printed a certificate signed by the county clerk in substantially the following form: "I certify that the within bond is issued in accordance with law, and is within the debt limits permitted by the statutes of the Territory of Utah, and in accordance with a vote of the taxpayers of \_\_\_\_\_ school district of \_\_\_\_\_ county, Territory of Utah, at a regular (or special) meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_, to issue bonds to the amount of \_\_\_\_\_ dollars." They shall be signed by the chairman and clerk of the school district, and shall be registered and numbered in a book to be kept by the clerk for that purpose, in which shall be entered the number, date, denomination, name of the person to whom issued, and the date when the same shall become due; *Provided*, that bonds issued under the provisions of Article XV of this act shall be signed by the president and clerk and countersigned by the treasurer of the board of education.

**Form of certificate.**

**Signature.**

Sec. 94. In addition to the amount that may already be levied under the provisions of this act, there shall be levied by the trustees annually in the month of December on the taxable property of the school district so issuing bonds, and assessed and collected as other taxes are assessed and collected, a sum sufficient, not exceeding two and a half mills on the dollar of the assessed valuation of said district, to pay the interest upon such bonded indebtedness, and after five years in like manner a further tax not to exceed two mills upon the dollar shall be levied by the trustees of such district, in the month of December, for a sinking fund, to be used in payment of such bonds when they become due, and for no other purpose; except whenever there may be sufficient funds on hand, the trustees may, in their discretion, purchase any of its outstanding bonds at the lowest market price, and pay for the same out of the sinking fund; *Provided*, such price does not exceed the par value of such bonds.

Levy to pay interest

Sinking fund.

Sec. 95. Whenever any bonds are issued under the provisions of this act the trustees shall have authority to negotiate and sell such bonds for not less than their par value. And the proceeds shall be used exclusively for the purposes for which they were issued.

Sale of bonds.

Sec. 96. Bonds issued under the provisions of this act shall be a lien upon the taxable property in the school district issuing them, and when any trustees neglect or refuse to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the county court shall levy such tax, and when collected apply it to the payment of such bonds and the interest due thereon.

Lien.

Refusal to levy tax.

Sec. 97. Whenever any of the bonds of a school district shall have been redeemed or purchased by the trustees, they shall be cancelled by writing or printing in red ink across each bond and coupon, the words "paid and cancelled," and the date of payment and amount paid, shall be entered in the clerk's register against the number of the bond, and thereafter no interest shall be paid on account of the bond so cancelled, and the bonds and coupons so cancelled shall be filed in the office of the clerk of the district, until all the outstanding bonds and coupons of any one series are paid, when all such bonds and coupons shall be destroyed in the presence of a quorum of the board of trustees, and such fact shall be entered upon the records of the board.

Cancellation.

Sec. 98. Whenever any schoolhouse is to be built, the trustees shall advertise for at least thirty days in some newspaper printed in the county, or if no newspaper is printed in the county, by posting notices for the same length of time in five conspicuous and public places in the county, for sealed proposals for building such schoolhouse in accordance with plans and specifications which shall be furnished by the trustees, stating in such advertisement or notice the place where, the day and hour when all proposals will be opened, and reserving the right to reject any and all proposals. At the time and place specified in said notice the trustees shall meet and publicly open and read all the proposals which have been received, and shall award the contract to the lowest responsible bidder, and shall require of such contractor a bond in double the amount of the contract, conditioned that he will properly perform the conditions of the contract in a faithful manner and in accordance with its provisions; in case none of the proposals is satisfactory all shall be rejected, and said trustees

Notice for bids to build schoolhouse.

Awarding of contract.



shall advertise anew in the same manner as before and until a satisfactory proposal shall be submitted.

Where applicable. Sec. 99. The provisions of this act shall be applicable to and shall authorize the issue of bonds by such school districts as have already built schoolhouses and the taxpayers of any such school district may vote to bond the indebtedness incurred by reason of building and furnishing a schoolhouse or purchasing a site for the same, and bonds therefor may be issued in the same manner as herein provided for building and furnishing schoolhouses.

#### ARTICLE XV.—*Schools in Cities.*

Sec. 100. All cities of the first and second classes shall be governed by the provisions of this article.

Cities of first and second class. Each city subject to the provisions of this article and all territory which shall hereafter be added thereto, shall constitute one school district, and district schools therein shall be free to all residents of said district between the ages of six and eighteen years. All district schools in said district shall be under the direction and control of the board of education.

Board of education. Sec. 101. The board of education in each city of the first class shall consist of the mayor and two trustees to be elected by and from each municipal ward; in cities of the second class it shall consist of the mayor and one trustee to be elected by and from each municipal ward of the city. Such trustees shall be and remain during their term of office resident registered voters of the ward from which they are elected. Said boards of education may hold their meetings at the city halls of their respective cities. Every registered voter who has been a resident of the school district for thirty days immediately preceding the day of election for trustees, shall be entitled to vote at such election.

Election of trustees. On the second Monday in July next after the approval of this act, and biennially thereafter there shall be elected by and from each municipal ward in all cities of the second class one school trustee, whose term of office shall be two years, and until his successor is elected and qualified; and at such time each municipal ward of cities of the first class shall elect two trustees, one for the term of one year, and one for the term of two years, each of whom shall hold his office until his successor is elected and qualified; and annually thereafter in cities of the first class one trustee shall be elected by and from each municipal ward for the term of two years, and until his successor is elected and qualified.

Judges of election. Sec. 102. Fifteen days before any election for school trustees for levying taxes, for voting on the issuance of bonds or for any other purpose named in this article, the city councils of the several cities shall appoint from each municipal ward three judges of such election. Each of said judges shall be a registered voter in the ward in which such election is to be held. The judges of election so appointed shall appoint one of their number to act as clerk who shall keep a full record of the election, including a list of the persons who vote, to be certified by the judges of election. The said judges shall conduct said election according to the provisions of this article and shall issue to each of the trustees who shall be elected a certificate of his election. Before entering upon the duties of their office each judge of election shall take and subscribe the oath of office prescribed by law.



Notice of the time and place of holding said elections and the time during which the polls will remain open, which shall not be less than eight hours, shall be given by the mayor or the person acting as mayor, of said city, for six consecutive days, and within ten days previous thereto, by publishing such notice in a newspaper published in said city or by posting said notice in ten public conspicuous places in said city for not less than ten days previous to said election. The said election shall be held in the municipal wards at the time and place designated in said notice. The voting shall be by ballot and the votes shall be counted in open meeting.

Notice of election.

Sec. 103. All elections for school trustees, for levying taxes, for voting on the issuance of bonds, or for any other purpose, shall be held in the several municipal wards of the cities and at all such elections the judges of election shall register the name of each voter at the time his vote is cast, and shall immediately file such register with the clerk of the board of education. Such register shall be a public record and subject to inspection by any person. All elections shall be conducted and the qualifications of voters under this article shall be the same as required in Article V of this act when voting on similar questions, except that the judges of election shall be appointed by the city councils as provided in Section 102 of this act.

Registration of votes.

Sec. 104. The board of education shall elect their own officers; and fill any vacancy which may occur in their body. *Provided*, that any, vacancy occurring previous to the annual trustee election, having an unexpired term shall be filled for such unexpired term at the first trustee election thereafter, and the ballots shall be as follows: "To fill unexpired term ending second Monday in July A. D. —"

Vacancies.

#### ORGANIZATION OF BOARD.

Sec. 105. The board of education shall organize before the last day of July in each year. The mayor shall be president and the board shall elect a vice-president from its members and a clerk who shall hold their offices for the term of one year and until their successors are elected and qualified; and shall also elect a superintendent of district schools who shall not be a member of the board and who shall hold his office for the term of two years and until his successor is elected and qualified. The board shall have the authority at any regular meeting to fill any vacancy which may occur among the officers of the board. All officers elected or appointed by the board shall be registered voters of the city in which they are to serve.

Election of officers of the board.

Sec. 106. The school year shall commence with the first day of July annually and close with the last day of June following. The annual reports of the president, superintendent, and of the several committees shall be presented to the board on or before the first Monday in July of each year.

Annual reports.

Sec. 107. It shall be the duty of the president to preside at all meetings of the board, to appoint all committees whose appointment is not otherwise provided for, in this act, and to sign all warrants ordered by the board of education to be drawn upon the city treasurer for school moneys. In case of the absence or disability of the president his duties shall be performed by the vice-president.

Duties of president.

#### DUTIES OF THE CLERK.

Sec. 108. It shall be the duty of the clerk to attend all meetings of the board, keep an accurate journal of its proceedings, have the

care and custody of the records and papers, countersign all warrants drawn upon the treasurer by order of the board, keep an account of all moneys paid to the treasurer on account of said board, and of all moneys paid or orders drawn on the treasurer by order of said board; and at least once in every six months, prepare and cause to be published in a newspaper having general circulation in said city, a statement, under oath, showing; first, the moneys on hand at the date of last report, the moneys received by the treasurer since the last report, and from what source received; second, the amount of sinking fund and how invested; third, the moneys paid out, to whom and for what paid; fourth, the balance of school moneys in the hands of the treasurer; fifth, the number, date and amount of every bond issued and redeemed under the authority given in this act, and the amount received and paid therefor, and perform such other duties as the board or its committees may require. He shall receive for his services such compensation as the board shall fix and determine

## DUTIES OF THE SUPERINTENDENT.

Sec. 109. The superintendent shall have charge and control of the district schools of the city, subject to the orders, rules, regulations, and by-laws of the board of education, and shall receive for his services such compensation as the board may fix and determine. The superintendent of schools may be the clerk of the board of education.

Sec. 110. Before entering upon the discharge of his duties, the clerk of the board of education shall give a bond to the board of education of such city in the sum of one thousand dollars with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of his duties, and shall take and subscribe an oath or affirmation before the city recorder that he will support the Constitution of the United States, and the laws of the Territory of Utah, and faithfully perform the duties of his office.

## DUTIES AND BOND OF TREASURER.

Sec. 111. The treasurer of the city shall be the treasurer of the board of education and shall give such bond to the board as it may require, said bond to be approved by the board and filed with its clerk. He shall prepare and submit in writing a monthly report of the finances of said board; and pay school moneys only upon a warrant signed by the president, or, in his absence by the vice-president, and countersigned by the clerk. The treasurer shall receive for his services such amount as the board of education may fix and determine.

Sec. 112. There shall not be any expenditure involving an amount greater than one hundred dollars, except in accordance with the provisions of a written contract.

## EXAMINING COMMITTEE.

Sec. 113. The board of education shall appoint from their number or otherwise two competent persons, who, associated with the city superintendent shall constitute an examining committee and the superintendent shall be chairman of said committee. Said examining committee shall have and exercise within the city the same powers as the county board of examiners exercises within the county outside of the city and teachers employed by the board of education

shall possess all the qualifications of and be subject to the same examination as teachers employed by district school boards and be entitled to a certificate as provided in Article III of this act. The examining committee may accept teachers' certificates issued by the county board of examiners. The board of education shall determine the compensation of said examining committee and shall fill any vacancy therein.

Compensation and  
vacancy.

#### POWERS OF BOARD.

Sec. 114. The school trustees of said city, together with the mayor thereof shall be a body corporate under the name of "The Board of Education of the city of——." And said board in the name aforesaid, may sue and be sued, may take, hold, lease, sell and convey real and personal property as the interests of the schools may require. Said trustees shall have the power and authority to administer oaths in proof of claims and accounts against said corporation, and no such claims or accounts, except salaries of teachers, shall be audited or allowed by any board of education unless the correctness of the same shall be proved under oath.

Proof of claims.

Sec. 115. When the board of education shall have completed their first organization under and according to the provisions of this act it shall have general supervision of all the district schools of the city. The official terms of all trustees holding office at the time of the passage of this act in any city of the first or second class shall continue until the expiration of the current school year, and until the board of education herein provided for is organized, and they shall make their reports according to law. At the expiration of the school year in 1890 all school districts, in cities included in this act, shall cease to exist, and all school district offices shall become vacant, on the organization of such board of education.

Official term of  
office.

Sec. 116. Upon the election and qualification of the board of education for any city, the trustees of all school districts in said city shall convey and deliver all the school property of said districts to the board of education of said city; and the title to all such property, and all property hereafter acquired for school purposes in said city, shall be conveyed to and vest in said board of education, for the use of the district schools of said city; and all rights, claims and causes of action, to or for said property, or the use or income thereof, or for any conversion disposition or withholding thereof or for any damage or injury thereto, shall at once vest in the board of education of said city, in trust for the use of the district schools of the city, and said board in the name aforesaid, may bring and maintain actions to recover, protect and preserve the property and rights of the district schools, and to enforce any contract relating thereto, and in its said name may sue and be sued in any court of law or equity. And all outstanding debts and obligations of any such school districts shall be paid by such board of education.

School property.

Debts.

Sec. 117. The board of education of said city shall have power and authority to purchase or sell schoolhouse sites; construct and erect school buildings and furnish the same; establish, locate and maintain primary schools, industrial or manual training schools, high schools; establish and support district



libraries, purchase, exchange, repair and improve the school apparatus, books, furniture, fixtures and all other school supplies in said schools; supply and loan to pupils in the several grades and departments of said schools, free of charge, all text books and supplies used by pupils of said schools; collect all books and apparatus loaned to pupils of the district schools of said city; do all things needful for the maintenance, prosperity and success of said schools, and the promotion of education; adopt by-laws and rules for the procedure of the board of education, and make and enforce all needful rules and regulations for the control and management of the district schools of said city.

Sec. 118. No school property shall be sold or conveyed by the board of education, except upon resolution of the board duly adopted, at a regular meeting, and not then without an affirmative recorded vote of at least two-thirds of all the members of said board.

## CITY SCHOOL TAXES.

Sec. 119. All property held by the board of education for the use of district school shall be exempt from taxation, and shall not be taken in any manner for any debt due from the city.

Sec. 120. For all purposes of taxation the whole city shall constitute one school district.

Sec. 121. All cities organized as one district under the provisions of this act, shall receive their *pro rata* share of any territorial and county taxes levied for the support of district schools. The board of education shall, on or before the thirty-first day of December of each year, prepare an estimate and levy the taxes necessary and requisite for the support and maintenance of the district schools under its charge, for the school year commencing on the first day of July next thereafter, also the amount necessary to pay the interest accruing during such year on bonds issued by said board, and the amount of sinking fund necessary to be collected during such year for the payment and redemption of such bonds; and shall forthwith cause to be certified by the president and clerk of said board, to the assessor and collector of said city, the per cent levied by them on all property within said city as returned on the assessment roll thereof, and the said assessor and collector is hereby authorized and required to place the same on the tax roll of the city, and said tax shall be collected by the city collector as other city taxes are collected, but without additional compensation for assessing and collecting, and paid to the treasurer of said city, and held by him subject to the order of said board of education; *Provided*, that the tax for the support and maintenance of such schools, shall not exceed in any one year two mills on the dollar upon all taxable property of the said city.

## BONDS.

Sec. 122. The board of education of any city may, when in their judgment it is advisable, or when petitioned by a

majority of the resident male taxpayers of the said district, as appears from the county assessment roll of the last preceding year, shall, call a meeting and submit to a vote of the district whether bonds of such district shall be issued and sold for the purpose of raising money for purchasing school sites, for building or purchasing one or more schoolhouses, and supplying the same with furniture, necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes. Duty of board.

Sec. 123. The meeting provided for in Section 122 of this act shall be called by publishing a notice signed by the president and clerk of the board of education, in a newspaper published in the district at least once a week for three successive weeks, or by posting said notice in ten public places in the district for three weeks next preceding said meeting. Such notice shall contain: First—The time and place of holding such election. Notice of meetings. Second—The name of three judges to conduct the same. Third—The hours during the day (naming not less than eight hours) during which the polls will be open. Fourth—The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding twenty, the whole or any part of said bonds are to run. Fifth—For what purpose it is proposed to issue the bonds.

Sec. 124. The board of education shall appoint three judges Judges. to conduct the election, and the voting at such meeting shall be by ballot, but no particular form of ballot shall be required, nor shall any informalities in conducting such election invalidate the same, if the election shall have otherwise been fairly conducted. Voting. At such election the ballots shall contain the words "Bonds Yes" or "Bonds No."

Sec. 125. Immediately after the polls are closed the judges shall proceed to count and canvass the votes cast at such election and make returns thereof to the board of education, and said board shall within five days after said election, meet and canvass said returns, and if a majority of all the votes cast at said election are in favor of issuing such bonds, then the board shall cause an entry of that fact to be made on its minutes, and shall immediately file with the clerk of the county court of the county in which such school district is situated a certified copy of the order of the board of education and certified copies of the notices published or posted, calling such meeting with an affidavit showing when and where said notices were published or posted, and that they were published or posted as required by law and the order of the board of education. The board shall also file with said clerk a statement showing the number of inhabitants and the value of taxable property in the district that the amount of bonds proposed to be issued does not exceed two per centum of the value of the taxable property in the district, that the meeting at which the question of issuing the bonds was submitted, was lawfully called and held, that the voting, the canvass of votes cast, and all Canvassing returns

To file notice and order.

Statement to be filed with clerk.

matters in relation to the proposed issue of bonds in said district were lawfully conducted, and that such bonds may be lawfully issued, and thereupon said board of education shall be and they are hereby authorized and directed to issue the bonds of such district in the form and manner provided in Article XIV of this act, to the number and amount voted for at such meeting. Such bonds shall be payable out of the building fund of such district, and the money for the redemption of said bonds, and the payment of the interest thereon shall be raised by taxation, upon the taxable property in said district; *Provided*, That the total amount of bonds so issued shall not exceed two per centum of the taxable property of the district as shown by the last equalized assessment book of the territorial and county taxes.

Payment of bonds.

Limit of issuance.

Annual estimate  
and levy.

Sec. 126. The board of education, in its annual estimate and levy provided for in Section 121 of this act, shall include an amount sufficient to pay the interest as the same accrues, on all outstanding bonds issued by the board, and also to create a sinking fund for the redemption of said bonds, and shall levy and cause the tax to be collected as provided in Section 121 of this act, and such money shall remain a specific fund, and shall not be appropriated or used for any other purpose than as hereinafter provided.

Sec. 127. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the board of education, shall be used as follows:

Use of sinking fund.

First. After retaining an amount sufficient to pay the principal of bonds maturing during the year, the board shall, with the surplus of such sinking fund if the same amounts to one thousand dollars or more, redeem any of such outstanding bonds.

Cancellation.

Second. Whenever any of the bonds of the district shall have been redeemed by the board, they shall be cancelled by writing or printing in red ink across each bond and coupon, the words "paid and cancelled;" and the date of payment and amount paid shall be entered in the clerk's register opposite the number of the bond, and thereafter no interest shall be paid on account of such bonds so cancelled. The bonds and coupons so cancelled shall be filed in the office of the clerk of the board, until all the outstanding bonds and coupons of any one series are paid, when all such bonds and coupons shall be destroyed in the presence of at least two-thirds of the members of the board, and such fact shall be entered upon the records of the board.

Cancelled coupons  
and bonds.

Lien on taxable  
prop. rty.

Refusal to levy.

Sec. 128. Bonds issued under the provisions of this act shall be a lien upon the taxable property in the school district issuing them, and when the board of education neglects or refuses to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the county court of the county in which such district is situated shall levy such tax, and apply the money thus collected to the payment of such bonds and the interest due thereon.

Sec. 129. It shall be the duty of the clerk of the board of



education to register in a book provided for that purpose, the bonds issued under this act, showing the number, date, amount, when, where and to whom each of said bonds is payable. Registration of bonds.

#### ARTICLE XVI.—*Compulsory Attendance.*

Sec. 130. Every parent, guardian or other person having control of any child between ten and fourteen years of age, shall be required to send such child to a public, district or private school in the district, in which he resides, at least sixteen weeks in each school year, after the thirtieth day of June, 1890, ten (10) weeks of which shall be consecutive; *Provided*, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or the board of education of the city, as the case may be, whenever it shall be shown to their satisfaction that one of the following reasons exists: Time required.

First. That such child is taught at home in the branches provided by law and for the same length of time as children are required by law to be taught in the district schools.

Second. That such child has already acquired the branches of learning taught in the district schools.

Third. That such child is in such physical or mental condition (which may be certified by a competent physician if required by the board) as to render such attendance inexpedient or impracticable. If no such school is taught the requisite length of time within two and one-half miles of the residence of such child by the nearest road, such attendance shall not be enforced.

Fourth. That such child is attending some public, district or private school.

Fifth. That the services of such child are necessary to the support of a widowed mother or an invalid father.

Sec. 131. Any such parent, guardian or other person having control of any child between ten and fourteen years of age, who wilfully fails to comply with the requirements of the last preceding section, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not more than ten dollars for the first offense, and for the second and every subsequent offense, not more than thirty dollars, and costs in each case, such fine shall be paid into the district school fund. Penalty for refusing to send child to school.

Sec. 132. It shall be the duty of the president of the board of education of any city and of the chairman of the school trustees of any district, within their respective jurisdiction, to inquire into all cases of neglect of duty prescribed in this act. Neglect of duty.

#### *Miscellaneous.*

Sec. 133. An act entitled "An act providing for the establishment and support of district schools and for other purposes," approved February 20, 1880, excepting section 23 of said act, (section 1934, compiled laws of Utah of 1888), and all acts amendatory thereof, or supplemental thereto, and also all other Conflicting acts repealed.

acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Office holders to  
serve out their  
term.

Sec. 134. The terms of office of all school trustees now in office, except the trustees of school districts situated within the limits of cities of first or second class, that would expire in the years 1891 and 1892, are hereby continued until the full terms of office for which they were elected have expired and their successors are elected and qualified and the terms of office of all county superintendents now in office are hereby continued until the expiration of the full terms of office for which they were elected have expired.

Taxes levied prior  
to passage of this  
act valid.

Sec. 135. Nothing in this act shall be construed as intended to abate, impair or invalidate any levy of taxes or assessment therefor which has been or is now being made in any school district or county in this Territory, and all such assessments shall be continued and completed and the taxes levied shall be collected in the manner provided by law.

Sec. 136. This act shall take effect upon its approval.

Approved March 13, 1890.

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## CHAPTER LXXIII.

### MINUTE CLERK.

RESOLUTION relating to the Election of Minute Clerks.

*Resolved by the Governor and Legislative Assembly of the Territory of Utah:* That each house is hereby authorized to elect a minute clerk, to serve during the present session of the Legislature at a compensation of five dollars per day; said sums to be paid out of the territorial treasury.

Approved January 16, 1890.

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## CHAPTER LXXIV.

### UTAH REPORTS.

A RESOLUTION authorizing the territorial auditor of public accounts to purchase and distribute one hundred copies each of volumes four and five of the Utah Reports.

SECTION 1. *Resolved by the Governor and Legislative Assembly of the Territory of Utah:* That the territorial auditor of public accounts is hereby authorized to purchase one hundred copies each of volumes four and five of the Utah reports, and exchange one of each of said volumes with each of the States and Territories of the union and deliver one of each of said volumes to each of the following named public officers for the use of said officers respectively to wit; the county clerk

of each county. The United States district attorney. The governor and secretary of the Territory. The chief justice and associate justices of the supreme court, and the remainder said volumes to be retained by said auditor for the use and benefit of the members of the Legislature during any session thereof.

Sec. 2. That the sum of \$1000 one thousand dollars or so much thereof as may be necessary for the purchase of said books is hereby appropriated for said purpose out of any money in the treasury of the Territory not otherwise appropriated.

Approved March 12, 1890.

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## CHAPTER LXXV.

### COMPILED LAWS.

A RESOLUTION approving and adopting the Compiled Laws of Utah of 1888.

*Resolved by the Governor and Legislative Assembly of the Territory of Utah:* That the Compiled Laws of Utah of 1888, as prepared and compiled by the committee appointed pursuant to the act of the Governor and Legislative Assembly, passed at the twenty-eighth session, together with the amendments made thereto at this session of the Legislative Assembly, be and the same are hereby approved and adopted: *Provided*, that this approval and adoption shall not be held or construed to be a repeal of any of the original acts or laws included in said compiled laws; but said original laws and acts shall control, wherever there is a difference between said acts or laws and said compiled laws; but full effect shall be given to all amendments made thereto at this session of the Legislative Assembly: *And provided further*, that any acts or laws included in said compiled laws, that have heretofore been repealed shall not be held or construed to be revived or re-enacted by this approval and adoption of said compilation.

This resolution shall take effect upon its approval.

Approved March 10, 1890.



# MEMORIALS TO CONGRESS.

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## FOURTH JUDICIAL DISTRICT.

Salt Lake City, Utah,  
January 27, 1890.

*To the Honorable the Senate and House of Representatives of the  
United States in Congress Assembled:*

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent that by an act of Congress entitled "An Act providing for an additional associate justice of the supreme court of the Territory of Utah and for other purposes" approved June 25th, 1888, provision was made for the appointment of an additional associate justice of the supreme court of Utah Territory and said appointment has been made as in said act provided.

That said act of Congress while creating the office of additional associate justice as aforesaid, did not provide for the creation and organization of a fourth judicial district in said Territory, and in consequence thereof there are at present four district judges in said Territory operating in three districts, to the great inconvenience of the judges aforesaid and of the people of said Territory.

That your memorialists are of the opinion in view of the statutes of the United States heretofore passed and approved, authorizing the division of said Territory into three judicial districts, that the Governor and Legislative Assembly of said Territory are powerless to create a fourth judicial district or provide for the organization thereof, notwithstanding the same is necessary, and will be convenient for the due, proper and economical administration of the law, in said Territory.

Your memorialists therefore respectfully pray your honorable body for such legislation as will enable said Governor and Legislative Assembly to create and organize a fourth judicial district in said Territory, and alter, change and modify, from time to time, the organization of the several judicial districts in said Territory in such manner as said Governor and Legislative Assembly may deem wise and expedient.

And your memorialists will ever pray.  
Approved January 29, 1890.

## PROTEST AGAINST REMOVAL OF UTE INDIANS TO UTAH.

*To the Senate and House of Representatives of the United States in Congress assembled :*

Your petitioners the Governor and Legislative Assembly of Utah, desire to set forth :

That the presence of the Southern Utes in southern Colorado is offensive to certain citizens of that State, and it is therefore proposed to effect their removal to Utah.

It is further proposed and urged by said citizens of Colorado, that for these Indians, a tract of three million acres of the public domain be set apart in Utah, and that they have the freedom of three million acres additional in this Territory for hunting and other purposes.

The proposition receives no support from the citizens of Utah. The feeling in this Territory is universal and strong against it.

The citizens of Utah need and desire that all lands in the Territory belonging to the public domain and not included in Indian or other reservations be open to industrious and law-abiding citizens, such as may be able to govern themselves, and make positive and valuable contributions to the wealth and prosperity of the Territory.

Your petitioners desire to represent further that within the tract in Utah proposed as the home of the Southern Ute Indians, extensive and valuable mineral deposits are found. Among these are extensive placer deposits. Nearly one thousand five hundred (estimated) settlers have found their way to this region and are developing its resources. Many others, engaged in stock raising and farming, would have their property and perhaps their lives imperiled by the proximity of large bands of Indians, living by no fixed and regular occupations. Besides, on the north of these settlers are the extensive reservations of the Uintah and Uncompahgre Utes. Between these reservations and the proposed reservation on the south, would be no desirable location for the establishment of American homes.

Further; in case such transfer of Indians as above described should be made, great damage and injustice would be done in general to the interests of this entire Territory and particularly to those citizens of Utah now residing on or near the proposed reservation. To them it would mean in many instances the losses and hardships involved in abandoning their homes and seeking others. Valuable rights would have to be relinquished; many homes would be placed in fear; important and extensive natural resources, both mineral and agricultural, would have to be abandoned and would remain permanently undeveloped. Great inducements now offered by this Terri-

tory to industrious and able immigrants would become valueless, and a positive injury be inflicted upon us in the presence of a large and idle population, acting both as a hindrance and a menace to our progress.

Moreover, it does not appear that in the proposed transfer, any advantage would accrue to the Indians. Rather, the large increase in territory, accessible to them in the proposed reservation, would be a continual inducement to a nomadic and lawless life. They would be deprived of the advantages of a neighboring compacted American population, with which they are now, to their great benefit, permitted to mingle freely. In Utah, on the contrary, the American ranchmen and farmers are more isolated, and the neighbors with whom the Indians would most freely mingle would be the Uintah and Uncompaghre Utes, of civilization not superior to their own.

We, therefore, your petitioners, earnestly pray that you permit no change to be made in the reservation of the Southern Ute Indians of Colorado, such as shall involve their transfer to the Territory of Utah.

And your petitioners will ever pray.

Approved January 31, 1890.

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FEDERAL BUILDING AT SALT LAKE CITY, UTAH.

*To the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists the Governor and Legislative Assembly of the Territory of Utah, respectfully represent:

*That whereas* it has come to the knowledge of the people of this Territory that it is now proposed by your committees to reduce the amount heretofore asked for to erect a federal building in Salt Lake City, and

*Whereas*, in the opinion of your memorialists any such reduction would be prejudicial to the public interests, since the erection of any building for federal purposes in said city, upon a smaller scale than the one contemplated in the request heretofore made to your honorable bodies, would be insufficient for the needs and purposes aforesaid and not adequate to the present, much less, the future demands of this rapidly growing Territory.

Your memorialists therefore respectfully urge that the amount for the purposes aforesaid be not reduced and that the sum of five hundred thousand dollars be appropriated for said purposes, and

Your memorialists will ever pray.

Approved February 28, 1890.



## FEDERAL BUILDING AT OGDEN, UTAH.

*Memorial to the Senate and House of Representatives in Congress Assembled:*

We, your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent that there is urgent and increasing need of a government building at Ogden, Utah, to accommodate the federal court, the post-office, the United States marshal's office, the quartermaster's office, and the various other government interests centered in that enterprising and important city; wherefore, your memorialists respectfully ask that an appropriation of two hundred and fifty thousand dollars be made for the purpose of constructing said building, and your memorialists will ever pray.

Salt Lake City, Utah, March 4, 1890.

Approved March 5, 1890.

I approve the above memorial for the following reasons: Ogden has now a population of about twenty thousand, and is rapidly growing. It is one of the termini of the Union Pacific, Central Pacific, Denver & Rio Grande, and Utah & Northern railways. It is an important business centre, and the amount asked for is necessary to erect a building large enough to meet the needs of the public service.

ARTHUR L. THOMAS,  
Governor.

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 DEEP HARBOR.
*To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:*

*Whereas* the growing necessities of the west demand a first class harbor on the gulf coast in the State of Texas, in order that the surplus products of the State of Texas, and neighboring States and Territories, may find an outlet to the markets of the world by a shorter route than is now open to them, and at a vast annual saving to the producers, and

*Whereas*, the annual surplus tonnage of farm and manufactured products of the west, amounts annually to many millions of tons, and

*Whereas* the Congress of the United States, did, at its last session provide for the appointment of a special board of engineers whose duty it was to report to the present Congress, the most eligible point or points upon the gulf coast of Texas for a deep harbor, to be of ample depth, width and capacity to accommodate the larger ocean going vessels, and the commercial

and naval necessities of the country; and such special board of engineers having been appointed as provided by said act of Congress, did, after due examination of the harbor of Galveston, among other things, report in favor of Galveston as such point, and recommend the appropriation by Congress of the sum of \$6,200,000, for the improvement of that port and harbor, and

*Whereas*, the committee on commerce in the United States Senate has reported to the Senate, a bill making an appropriation for the purpose aforesaid, of which the following is a copy "Be it enacted etc. that for the purpose of securing the work of improving the entrance to Galveston harbor, Texas, the Secretary of War, upon the application of the chief of engineers is hereby authorized, in his discretion, to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate six million two hundred thousand dollars, the amount estimated as necessary for the completion of the same, as shown in the reports of the chief of engineers for the year 1889; *Provided* however, that the amounts so drawn from the treasury shall not exceed one million dollars in any one year and that an itemized statement of said expenditures shall accompany the annual report of the chief of engineers.

"The amount required for the completion of this work as herein proposed is hereby appropriated out of any money in the treasury not otherwise appropriated."

*Therefore, be it resolved* by the Governor and Legislative Assembly of the Territory of Utah, that the Congress of the United States is hereby earnestly requested to pass the bill now pending in the Senate above referred to.

Approved March 10, 1890.

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#### IN AID OF IRRIGATION.

*Memorial to the Senate and House of Representatives of the United States in Congress assembled:*

We, your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully petition you to enact into law, Senate Title 326, "A bill ceding upon condition, public lands to the State of California and other existing States, and to the eventual states to be formed out of the existing Territories, in aid of the irrigation of dry and arid lands."

We believe that such a law would greatly aid the important work of reclamation of vast tracts of land now useless, and would add to the population, wealth and grandeur of this country's western domain.

And your memorialists will ever pray.

Approved March 10, 1890.

## PUBLIC PARK.

*To the Honorable the Senate and House of Representatives of the United States in Congress assembled.*

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, would respectfully represent:

That Big Cottonwood canyon, in Salt Lake county, Utah Territory, is one of the chief sources of water supply for Salt Lake Valley:

That the country situate at the head of this canyon was until within a few years heavily wooded, thus affording protection for the snows deposited over a large water shed, thus furnishing a steady flow of water throughout the summer months for irrigating and other purposes.

That the canyon is now being rapidly denuded of trees for the purpose of sawing into lumber, and of undergrowth, by pasturing of large herds of sheep:

That by such denuding the snows are melted rapidly, causing freshets in the spring and drought later in the season, to the great damage of the inhabitants of Salt Lake valley:

That Big Cottonwood canyon contains many mountain lakes, of much scenic interest and great beauty, and is the great resort for the people of Utah, during the hot summer months:

Your memorialists therefore humbly pray that, saving all mining and other rights heretofore acquired, all land belonging to the United States, lying in the region of country bounded by the divides between Big Cottonwood and Parley's Park, Snake Creek, Mill Creek and Little Cottonwood canyons, respectively, for a distance of ten miles westerly from the head of Big Cottonwood canyon, be granted to the Territory of Utah, and set apart as a public park in which it shall be unlawful to cut any growing trees, or to pasture cattle or sheep, and

Your memorialists as in duty bound will ever pray.

- Approved March 10, 1890.

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RELATING TO SCHOOL LANDS.

*To the Honorable the Senate and House of Representatives of the United States of America in Congress Assembled:*

Your memorialists the Governor and Legislative Assembly of the Territory of Utah would respectfully represent to your honorable body that there exists in said Territory a necessity for an improvement in the public schools of said Territory of Utah:



That under the laws of the United States Sections 16 and 36 of each township in the Territories are reserved from the public domain for the benefit of the public schools when such Territories becomes States; and

That such sections of land are not available until after the admission into the Union of such Territories;

That by act of Congress of August 9th, 1888, Congress permitted the Territory of Wyoming to lease the said reserved lands to settlers for the benefit of the public schools of said Territory of Wyoming

That by such an act in behalf of the Territory of Utah the public schools thereof would be greatly benefitted and public education greatly enhanced,

That said Sections 16 and 36 as set apart by Congress for the benefit of public schools are now being used and improved and the public schools receiving no benefit therefrom; and

Your memorialists therefore ask that the Congress of the United States of America do pass an act enabling and allowing said Territory of Utah to lease for the use and benefit of the public schools of said Territory all the lands thus reserved by the statutes of the United States of America within the confines of said Territory of Utah and as in duty bound

Your petitioners will ever pray.

Salt Lake City, Utah, March 10, 1890.

Approved March 11, 1890.

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LEGISLATIVE SESSION UTAH LEGISLATURE.

*To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:*

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, would respectfully represent.

That for the increasing magnitude of the interests of the Territory of Utah, the term of legislative session, now limited by law to sixty days biennially is inadequate.

Your memorialists, would therefore urge upon your attention the propriety of providing by special enactment, for a biennial legislative session for the Territory of Utah, of not less than ninety days, and a per diem therefor of six dollars, and

Your memorialists will ever pray.

Approved March 13, 1890.

## CERTIFICATE.

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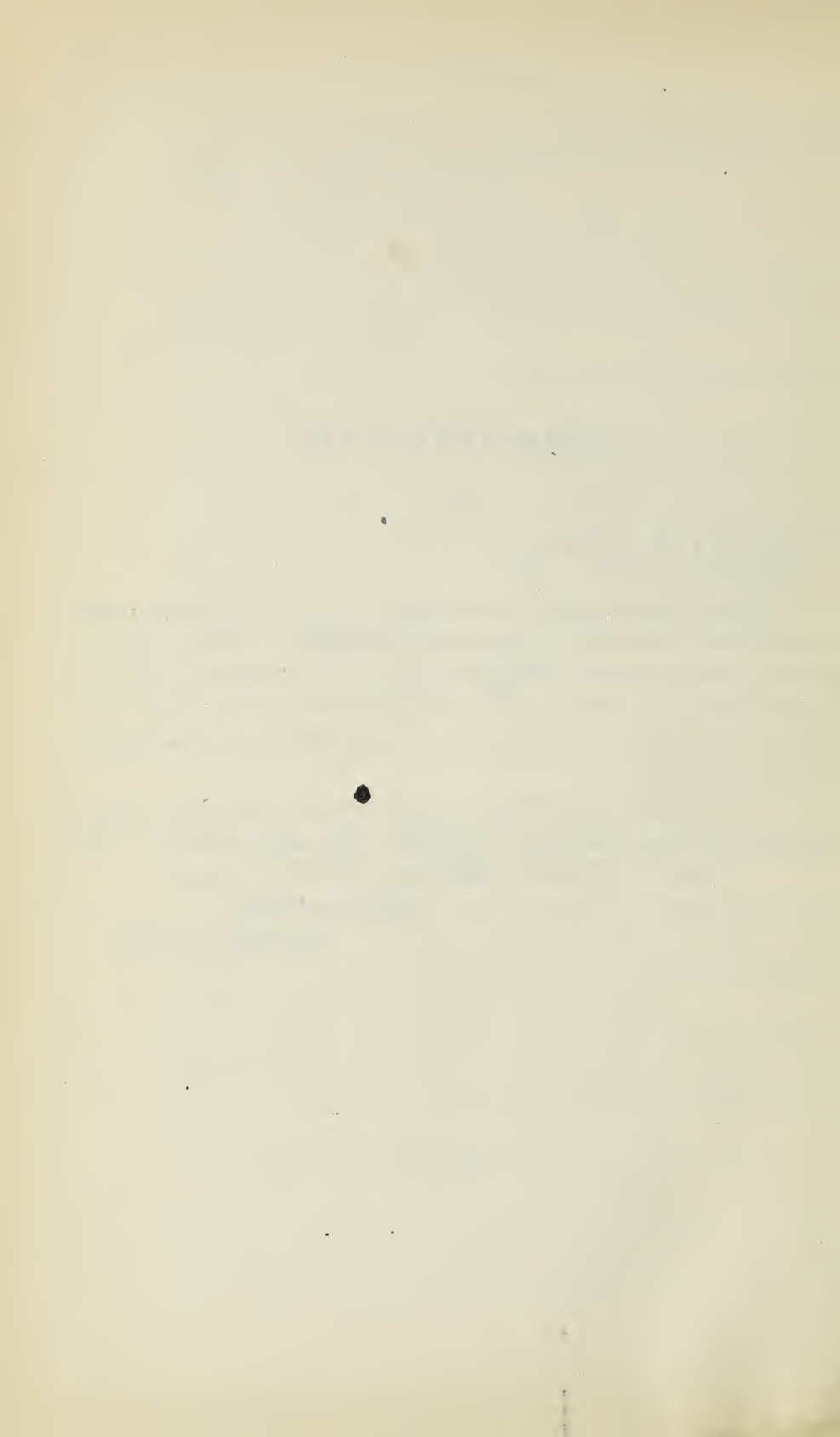
TERRITORY OF UTAH, } ss.  
SECRETARY'S OFFICE.

I, Elijah Sells, Secretary of the Territory of Utah, do hereby certify that the laws, resolutions and memorials published in this volume, beginning on page one and ending on page one hundred and forty-four, are full, true and correct copies of the originals, passed during the twenty-ninth session of the Utah Legislature (1890), as the same appear on file in this office.

In witness whereof, I have hereunto set my hand and affixed  
[SEAL.] the great seal of the Territory. Done at my office in Salt  
Lake City, Utah, this third day of May, A. D. 1890.

ELIJAH SELLS,

*Secretary of Territory.*





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